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WARRICK COUNTY COURTHOUSE, BOONVILLE, INDIANA

INVENTORY OF THE COUNTY ARCHIVES

OF INDIANA

Prepared by

The Indiana Historical Records Survey
Division of Professional and Service Projects
Work Projects Administration

NO. 87. WARRICK COUNTY

(BOONVILLE)

~~CONFIDENTIAL~~

The Indiana Historical Records Survey
Indianapolis
1940

FOREWORD

1157810

The *Inventory of the County Archives of Indiana* is one of a number of bibliographies of historical materials prepared throughout the United States by workers on The Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Warrick County, is number 87 of the Indiana series.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basis in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey Program attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country, will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.

The Survey Program was organized and has been directed by Dr. Luther H. Evans, and operates as a nation-wide series of locally-sponsored projects in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON
Commissioner

PREFACE

The survey of local public records in Indiana was instituted on February 19, 1936, as a part of a nation-wide undertaking under the supervision of Dr. Luther H. Evans. Samuel J. Kagan, Archivist in the Indiana State Library, was assigned to lead the project as State Director. In the beginning The Historical Records Survey was closely associated with the Federal Writers' Project. On September 23, 1936, the Survey was nominally as well as factually made independent of the Writers' Project. In general, it has from its very inception acted as a separate and independent unit of Federal Project No. 1. On September 1, 1939, The Indiana Historical Records Survey became a state project, under the sponsorship of the Indiana Historical Bureau.

The inventory proper is preceded by a number of introductory essays to enlighten the reader concerning facts and events forming the background and basis of the records. The entries for the record series are carried in consecutive numbering for the county. The bureaus are arranged in functional order: Governing boards; major administrative offices; judicial offices; and financial, election, educational, health, public welfare, engineering, and other groups. Whenever applicable, natural groupings under separate headings are made within the bureau, and the entries are arranged thereunder also according to functional sequence. An extensive index will aid the reader to locate records with a minimum of inconvenience and effort.

The field work of the survey of Warrick County records was begun at the record depositories on March 19, 1936 and was completed on May 6, 1936. Many visits to the courthouse, however, have since been made by revisors to check and recheck the information contained herein, the final recheck having been completed in December 1939.

The editing of this inventory has been conducted by an editorial staff whose labors we deeply appreciate and wish to recognize forthwith: Frank E. Ross, Editor-in-Chief, under whose supervision the final manuscript was prepared for publication; W. Davis Hamilton, legal research; Marshall Cowgill, field supervision and final review of record entries; Dr. J.

Harley Nichols, historical research; Fred S. Knodle, cartography; and Howard Oates, proofreading and indexing. The housing essay was written by Richard I. Nation.

Of the industrious and painstaking devotion to his task of each and every person who had a part in the Survey we are keenly aware, and we regret that we cannot commend by name all those whose services have contributed to the publication of this volume.

The Survey is indebted to county officials; to the State Work Projects Administration; to John K. Jennings, State Administrator; to Mildred E. Schmitt, State Director of the Professional and Service Division, who has rendered the Survey a great personal service in the administering of the project; to Herbert P. Kenney, Director of the Legislative Bureau, who placed the facilities of the bureau at our command at all times; and to Dr. Christopher B. Coleman, Director of the Indiana Historical Bureau, who has given technical service to the project.

Five hundred copies of this volume have been printed. Copies have been distributed without charge to state libraries, to various governmental offices, and other depositories throughout state and nation. Copies will also be distributed within the county, upon request, to all persons, public offices and institutions having occasion to use county records.

ROGER A. HURST

State Supervisor

The Indiana Historical Records Survey

Indianapolis, Indiana

January 1940

THE HISTORICAL RECORDS SURVEY PROGRAM

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Roger A. Hurst, State Supervisor

DIVISION OF PROFESSIONAL AND SERVICE PROJECTS

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Alma B. Kerr, Chief Regional Supervisor

Mildred E. Schmitt, State Director

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1940

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Andrew Hopkins

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chairmen of municipal school boards*

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Loran Hesson
Clyde Holder
Wm. Holder

Truman Housman
H. J. Maurer
James McReynolds
Norman Scales
Etta Springston

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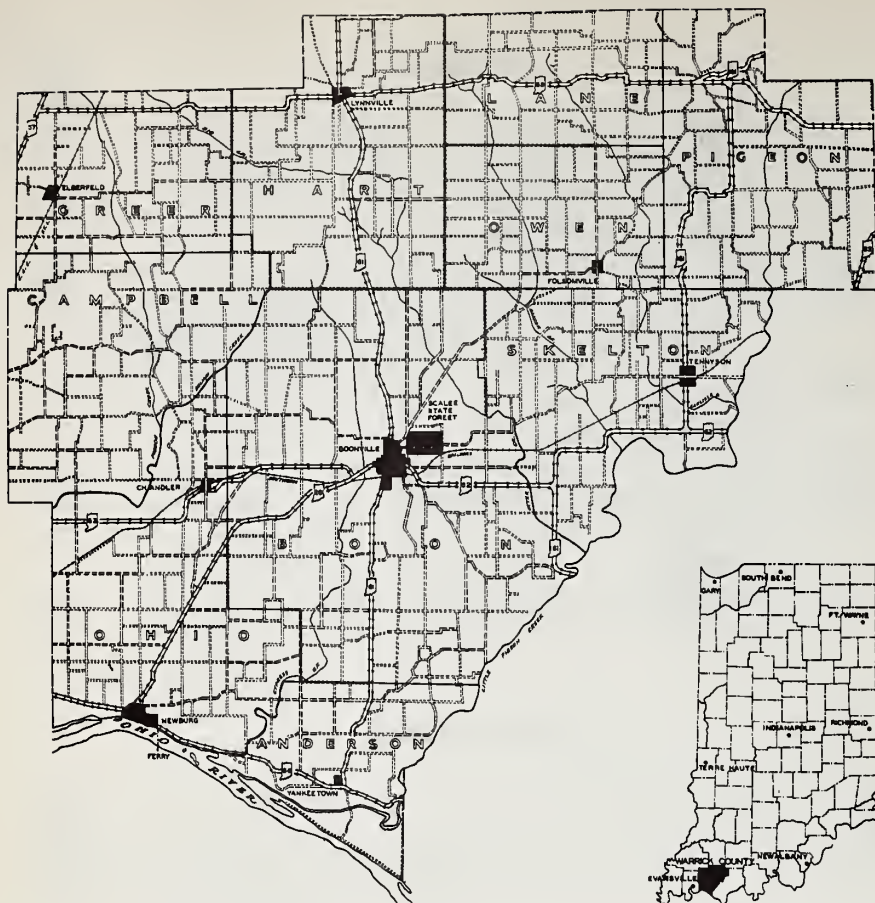
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Courtesy of State Planning Board

MAP OF WARRICK COUNTY

Area of Townships (Square Miles)

Anderson	21.00	Lane	24.00
Boon	83.25	Ohio	45.00
Campbell	41.00	Owen	25.00
Greer	27.00	Pigeon	42.00
Hart	41.75	Skelton	42.00

PART A. WARRICK COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

Warrick County, located on the Ohio River, in southwestern Indiana, has an area of 392 square miles, or 250,880 acres. By counties it is bounded on the west by Vanderburgh and Gibson, on the north by Gibson and Pike, on the east by Dubois and Spencer, and on the south by the Ohio River.¹ It was named for Captain Jacob Warrick, of whom General William Henry Harrison said in his official report of the battle of Tippecanoe: "Warwick [Warrick] was shot through the body; being taken to the surgeon to be dressed, as soon as it was over (being a man of great bodily vigor and still able to walk), he insisted upon going back to head his company, although it was evident that he had but a few hours to live."²

NATURAL FEATURES

The county lies within the physiographical area known as the Wabash Lowland, the Indiana portion of which comprises 4,900 square miles in southwestern Indiana. The surface of the county is, for the greater part, rolling. In the northern part, high irregular ridges divide the waters draining south into the Ohio from those flowing northward into the Patoka. Hills of some prominence also occur in the southeastern part of Boon Township and in the northeastern part of Anderson Township. The elevation of the county varies from about 330 feet above sea level in the southwestern corner of the county to probably 600 feet in the high knobs of the northern part of the county.³

¹ George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County*, 800-819 (*Indiana Historical Collections*, vol. 19). *Year Book of the State of Indiana for the Year 1936* (1937), 888.

² *American State Papers, Indian Affairs*, 1:778.

³ *Handbook of Indiana Geology* (1922), 102. Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (typewritten, 1935-36; copy in Indiana State Library), Warrick County section. *Indiana Geological Report*, 1898, p. 1350.

The greater part of the county is drained by a series of streams that flow in a general southerly direction into the Ohio River. Pigeon Creek enters the county from Gibson, flows across Greer and Campbell townships and reaches the Ohio through Vanderburgh County. Little Pigeon Creek forms the greater part of the boundary between Warrick and Spencer counties. Otter Creek is its principal tributary on the Warrick side. Cypress Creek discharges directly into the Ohio.

The soils of the county may be classified into two general groups—the upland and the lowland. Of these, Miami silt loam, an upland type derived from the loess of glacial origin, is the most extensive, covering an area of about 330 square miles or more than four-fifths of the area of the county. It varies in color from light ashy gray to light brown, contains a great deal of organic matter and is a good general-purpose soil. Waverly clay loam, a lowland soil of a light color, covers an area of about twenty-three square miles. It is also derived from loess materials but it has been reworked and made into a distinct type. Hay and tobacco are its principal crops. Waverly silt loam covers an area of about 40 square miles. It is found along the smaller streams. Corn and tobacco are its best crops but it produces good crops of wheat, oats, clover, and timothy.⁴

The county has a growing season of about six months, an annual rainfall of 41.4 inches and an average annual temperature of 56.9° Fahrenheit.⁵

INDIAN AFFAIRS AND EARLY INDIANA

All of what is now Indiana was included in the territorial claims of the Miami Indians as laid down by their chief, Little Turtle, during the progress of treaty making at Greenville, Ohio in 1795.⁶ Either because the Miami could not enforce their claims or, by their permission, other tribes resided within the state. Those most intimately identified with Warrick County and its environs were the Delaware, Piankashaw and the Shawnee tribes. The Delawares had a village called Delaware Old Town near the present site of Newburgh and another opposite Henderson, Kentucky. The Piankashaws had

⁴ Indiana *Geological Report*, 1909, pp. 211-214.

⁵ A. W. Mangum and N. P. Neill, *Soil Survey of the Boonville Arca, Indiana* (U. S. Dept. of Agriculture, 1909), 7, 8.

⁶ *American State Papers, Indian Affairs*, 1:570, 571.

two villages near Jasper, Indiana. Warrick County must have been a part of their hunting ground. As late as 1812 the Shawnees had a village at the mouth of Cypress Creek. This village, it is thought, was the last Indian village in Warrick County.⁷

Exploration of the region northwest of the Ohio was begun by Marquette, Joliet and La Salle in the latter part of the seventeenth century. On the basis of these and other expositions France laid claim to the territory. During the first half of the eighteenth century three French trading posts were established in what is now Indiana: Post Miami (on the present site of Fort Wayne), about 1715; Ouiatenon, on the Wabash (near the present site of Lafayette), about 1719 or 1720; and Vincennes, sometime before March 1733. The English likewise laid claim to the territory and about the middle of the eighteenth century began to enter the Ohio Valley from the east. As a result of the French and Indian War, the French colonial empire in America came to an end (1763) and the Ohio country passed into the hands of the English.⁸

During the American Revolution, George Rogers Clark conquered the country north of the Ohio and in 1778 Virginia organized it as the "County of Illinois."⁹ At the close of the Revolution the various states laying claim to the territory, in whole or in part, ceded their claims to the United States, and in 1787 Congress organized it as the Northwest Territory.¹⁰ In 1800 Indiana Territory, with boundaries which were more extensive than the present boundaries of Indiana, was organized.¹¹ In 1816 Indiana with approximately its present boundaries was organized and admitted into the Union as a state.¹²

The Indians residing northwest of the Ohio presented a formidable obstacle in the way of white settlement of the region. In 1790, ably led by Little Turtle, they defeated

⁷ Arvil S. Barr, "Warrick County prior to 1818", *Indiana Magazine of History*, 15:304.

⁸ P. G. Roy, "Sieur de Vincennes Identified", *Indiana Historical Society Publications*, vol. 2, no. 8. P. C. Phillip, "Vincennes in Its Relation to French Colonial Policy", *Indiana Magazine of History*, December 1921. Adam Shortt and A. G. Doughty, editors, *Documents Relating to the Constitutional History of Canada, 1759-1791* (Ottawa, 1907).

⁹ W. W. Hening, *The Statutes at Large . . . of Virginia*, 9:552.

¹⁰ C. E. Carter, editor, *The Territorial Papers of the United States*, 2:passim.

¹¹ *Annals of Congress*, 6th Congress, 1st Session, 1493.

¹² For the enabling act, see *Annals of Congress*, 14th Congress, 2nd Session, 1348; for the resolution admitting Indiana to statehood, see *ibid.*, 14th Congress, 2nd Session, 1841.

an expedition under General Josiah Harmar on and near the present site of Fort Wayne and another under General Arthur St. Clair the following year near the headwaters of the Wabash.¹³ In 1794 they were decisively beaten by General Anthony Wayne in the battle of Fallen Timbers and were forced to sue for peace.¹⁴ By the treaty of Greenville, signed August 3, 1795, about half of Ohio and that portion of southeastern Indiana lying east of a line from the mouth of the Kentucky River to Fort Recovery, Ohio were opened to settlement. Following this treaty other cessions were obtained that opened up large areas of Indiana to settlement: By treaties made with the Delaware and Piankashaw tribes in August 1804 a large tract of land in southwestern Indiana, out of which Posey, Vanderburgh, Warrick, Spencer, Harrison and part of Gibson, Pike, Dubois, Crawford, Orange, Washington and Floyd counties were formed, was ceded to the United States.¹⁵ As a result of the battle of Tippecanoe in November 1811, the attempt of Tecumseh to organize an Indian confederacy to resist further encroachment by the whites collapsed.

LAND POLICIES AND WHITE SETTLEMENT

In 1796 Congress made provision for the rectangular system of survey. The same act placed a minimum price of \$2 per acre on public lands and provided for a credit system of payments.¹⁶ An act of 1820 provided for the purchase of land in tracts as small as 80 acres, lowered the minimum price to \$1.25 per acre and abolished the credit system of payment.¹⁷ In 1841 a pre-emption act was passed which gave to individuals the right to settle on 160 acres of land and to purchase it at a subsequent date.¹⁸ In March 1804 a land office was established at Vincennes.¹⁹ In 1805 the area from which Warrick

¹³ W. H. Smith, editor, *The St. Clair Papers*, 2:166 note. *American State Papers, Indian Affairs*, 1:136. *A Narrative of the Campaign against the Indians under the Command of Major General St. Clair* (1812).

¹⁴ *American State Papers, Indian Affairs*, 1:487 et seq.

¹⁵ "Treaties Between the U. S. and the Indian Tribes", *U. S. Statutes at Large*, 7:49-54, 81-84. Charles J. Kappler, *Indian Affairs. Laws and Treaties*, 2:30-34, 51-53 (printed as *U. S. Senate Document No. 452*, 57th Congress, 1st Session).

¹⁶ *U. S. Statutes at Large*, 1:ch. 29.

¹⁷ *Ibid.*, 1:ch. 51.

¹⁸ *Ibid.*, 5:ch. 16, sec. 10.

¹⁹ *Ibid.*, 2:ch. 35, sec. 2.

County was later organized was surveyed.²⁰ An order issued by the board of commissioners instructing the county clerk to obtain from the land office at Vincennes a plat of all the land entered in Warrick County seems to indicate that all the land of the county was entered at the Vincennes office.²¹ As late as 1853 there was still public land in Warrick County.²²

The honor of making the first permanent settlement of the county is claimed for Major John Sprinkle who in 1803 removed from his home in Henderson, Kentucky, and settled on the present site of Newburgh where he continued to live until his death in 1821.²³ In the fall of the same year James Lynn and Felty Hay came to the county.²⁴ In 1805, according to one author, in 1807 according to another, Bailey Anderson, a prominent figure in the early history of the county, settled near the mouth of Cypress Creek.²⁵

In 1807 William Johnson entered a tract of land containing 205½ acres on the present site of Newburgh. This was the first land entered in Warrick County. In 1810 Daniel Rhoads entered land in the county. Entries were made by Richard Vankirk, Felty Hay and Solomon Land in 1811, and by John Vanada, Joseph English and Ratliff Boon in 1812.²⁶

In 1815 the county had a population of 1,415.²⁷ By 1840 there were 6,321 people living within the county²⁸ and in another decade (1850) the number had increased to 8,811.²⁹

CREATION AND ORGANIZATION

Warrick County, as constituted by an act of the Indiana territorial legislature of March 9, 1813, comprised the portion of the present Posey, Vanderburgh, Warrick, Spencer and Perry counties lying south of the parallel of New Harmony

²⁰ *History of Warrick, Spencer and Perry Counties, Indiana* (1885), 22.

²¹ Common Plea, Probate, Circuit Court, and Commissioners' Court Records, 1813-1831, Book 5:338, see entry 3.

²² Commissioners' Record, 3:31, see entry 2.

²³ Barr, *loc. cit.*, 308.

²⁴ Will Fortune, *Warrick County and Its Prominent People* (1881), 16.

²⁵ *Ibid.*, 16, 17. *History of Warrick, Spencer and Perry Counties, Indiana*, 24.

²⁶ Barr, *loc. cit.*, 309.

²⁷ Fortune, *op. cit.*, 157.

²⁸ *Compendium of the Enumeration of Inhabitants and Statistics of the United States, as Obtained from the Returns of the Sixth Census: 1840* (1841), 369.

²⁹ *Seventh Census of the United States: 1850*, p. 778.

(Rector's base line).³⁰ With the creation of Posey and Perry counties in 1814, Warrick County was greatly reduced.³¹ It was still further reduced when Vanderburgh and Spencer counties were created in 1818.³² By act of January 31, 1824 the area of the county was enlarged by the addition of four Congressional townships on its northern border.³³ Further changes were made in 1825, 1826, 1843, 1844, 1847, 1852, and 1853.³⁴ The act of 1852, corrected by a law of 1853, defined the boundaries as follows:

"Beginning on the Ohio river where the sectional line running north and south one mile west of the line dividing ranges six [seven] and seven [eight] west strikes the same, thence north to Little Pigeon creek, thence up said creek, with the meanders thereof, to the Poke Patch fork, thence up the last mentioned stream, with the meanders thereof, to the line dividing townships four and five south, thence east to the line dividing ranges five and six west, thence north to the north-east corner of township four south, range six west, thence west to the south-west corner of section thirty-four, in township three south, of range six west, thence north to the north-east corner of section twenty-eight, township three south, range six west, thence west to south-east corner of section twenty-one, in township three south, of range eight west, thence north to the north-east corner of the same section, thence west to the north-west corner of the same, thence south to the line dividing townships three and four south, thence west to the line dividing ranges nine and ten west, thence south to the line dividing townships five and six south, thence east to the north-east corner of section six, of township six south, and range nine west, thence south to the Ohio river, and thence up the same to the place of beginning."³⁵

LOCATION OF THE COUNTY SEATS

By an act of the Indiana territorial legislature of 1813,

³⁰ Acts 1813, ch. 23, secs. 1, 2.

³¹ Acts 1814, ch. 7, secs. 1, 2.

³² Acts 1818 (special), chs. 9, 10.

³³ Rev. Laws 1824, ch. 17, sec. 39.

³⁴ Acts 1825, ch. 14, sec. 1. Acts 1825-26, ch. 8, sec. 1. Rev. Stat. 1843, ch. 2, sec. 37. Acts 1844 (general), ch. 81, sec. 1. Acts 1846-47 (local), ch. 188. 1 Rev. Stat. 1852, ch. 14, sec. 86. Acts 1853, ch. 7, sec. 1.

³⁵ 1 Rev. Stat. 1852, ch. 14, sec. 86. The errors corrected in brackets were rectified by Acts 1853, ch. 7, sec. 1.

John Ockletree, Abel Westfall, William Polk, Robert Elliott, and William Prince, all of Knox County, were appointed commissioners to meet at the mill of Jonathan Anthony and choose the site of the seat of justice of Warrick County.³⁶ Evansville, the choice of the commission, remained the county seat until September 1814. The creation of Posey County left the county seat of Warrick in the extreme southwest corner of the county. Accordingly, the territorial legislature provided a new county seat "on fractional section number 7, in township number 7, south of range number 8, west of the second principal meridian."³⁷

The town thus located at the mouth of Cypress Creek was given the name of Darlington. It remained the county seat until March 1818, when a commission composed of John Lipton of Harrison County, Zachariah Lindley of Orange County, James B. Slaughter of Harrison County, and David Edwards of Posey County, selected the present site of Boonville for the county seat. In consideration of its selection, land was donated to the county as follows: John Barker, 60 acres; Richard Stephens, 30 acres; William Perry, 60 acres; William Barker, 25 acres. The new county seat was given the name of Boonville in honor of either Jesse Boon or his son, Ratliff Boon, who later was governor of Indiana and for 16 years a member of the United States House of Representatives.³⁸

In June 1818, forty-six lots were sold for a total of \$3,057.75, the price of individual lots ranging from \$25 to \$141. The town which soon grew up was described as consisting of "a few log cabins situated promiscuously on a hill."³⁹ In 1830 Boonville had a population of 87. At this time the town contained about 30 houses scattered about a partially finished courthouse.⁴⁰ At a special election held on September 30, 1858, forty-eight voters favored incorporating the town and none opposed. The board of commissioners accordingly ordered that the town be incorporated.⁴¹

THE TOWNSHIPS

At the present time Warrick County is divided into 10

³⁶ Acts 1813, ch. 3, sec. 2.

³⁷ Acts 1814, ch. 6, sec. 1.

³⁸ *History of Warrick, Spencer and Perry Counties, Indiana*, 41; Fortune, *op. cit.*, 21, 71-72.

³⁹ Fortune, *op. cit.*, 22.

⁴⁰ *Ibid.*, 24.

⁴¹ Commissioners' Record, 3:349.

civil townships: Anderson, Boon, Campbell, Greer, Hart, Lane, Ohio, Owen, Pigeon, and Skelton. Four of these—Anderson, Boon, Campbell, and Skelton—existed in 1823. A fifth township known as Luce also existed at the time but somewhat later was abolished.⁴² Hart and Ohio townships were created in September 1826.⁴³ Owen Township was created in December 1846, Pigeon Township in September 1849, and Greer Township in June 1853.⁴⁴ In December 1859 Owen Township was divided and the northern part given the name of Lane.⁴⁵

ROADS

The first roads of the county were the old Indian and buffalo paths. Perhaps the most famous road of this kind in the county was the "Yellow Banks trail", so named from the color of the river banks at Owensboro, Kentucky. It crossed the Ohio River at the Yellow Bank inland at Owensboro, ran northward past Rockport to the headwaters of the Little Pigeon, thence near the present site of Selvin to the forks of White River.⁴⁶ Another route of a similar kind followed the Ohio River probably from the falls at Louisville to the salt works in southeastern Illinois, passing near the present site of Newburgh.⁴⁷ Still another trail led from the Ohio River at Newburgh northward through Boonville and on to Anderson Creek.⁴⁸

Evidence of the great need for roads and bridges is afforded by numerous items in the Commissioners' Record relating to their construction. This activity was facilitated by a provision of the act of Congress enabling the people of Indiana to form a constitution and state government which set aside five percent of the proceeds of the sale of public lands within the state for this purpose. Of this sum three-fifths was given to the state to be applied to the building

⁴² *History of Warrick, Spencer and Perry Counties, Indiana*, 43.

⁴³ Common Plea, Probate, Circuit Court, and Commissioners' Court Records, 1813-1831, Book 5:368.

⁴⁴ *History of Warrick, Spencer and Perry Counties, Indiana*, 30-32.

⁴⁵ Commissioners' Record, 3:509.

⁴⁶ Barr, *loc. cit.*, 313; George R. Wilson, "Early Indiana Trails and Traces", *Indiana Historical Society Publications*, 6:384, 385.

⁴⁷ Barr, *loc. cit.*, 313, 314.

⁴⁸ William L. Barker, "Warrick County and the Northwest Territory", *Indiana Magazine of History*, 24:124.

of roads, bridges and canals within the state and two-fifths was reserved by the United States to be applied on roads and canals leading to the state.⁴⁹ An act of the Indiana legislature of January 1, 1817 made "every male person eighteen years of age and under fifty, having resided thirty days within any township in the state", liable to work on roads and public highways not exceeding six days in any one year.⁵⁰ Early road building consisted in little more than the removal of the timber and stumps. Sometime prior to 1860 a plank road was constructed from Boonville to Lynnvil le .⁵¹

MILLS

The earliest settlers in Warrick County obtained corn meal from Kentucky. Those unable to do this resorted to hand mills and hominy mortars. In 1817 legal steps were taken to "inquire into the situation of the stream of Pigeon whether it will work a public or private inconvenience to erect a saw and grist mill on said stream" As a result of the inquiry a mill was constructed by James Anthony on the present site of Millersburg.⁵² In 1818 Solomon Vanada constructed a mill on Cypress Creek about a mile from Darlington. Abner Luce built the first steam mill in the county at Newburgh.⁵³ Horse mills were introduced early and became rather numerous. Abraham Lincoln is said to have obtained grist from Little Joe Miller's mill, north of Little Zion Baptist Church, in Warrick County.⁵⁴

SALT WELLS

Salt was difficult to obtain by pioneer settlers of Warrick County. In the early history of the county it sold as high as 10 cents per pound. For protection against the Indians, early settlers went in squads to salt springs where salt was obtained by boiling down the salt water. Much salt was obtained in this way from the Wabash Salt Springs in southeastern Illinois near the present site of Shawneetown.⁵⁵ In

⁴⁹ *Annals of Congress*, 14th Congress, 1st Session, 1841.

⁵⁰ Acts 1816-17, ch. 8.

⁵¹ Commissioners' Record, 3:551.

⁵² Barker, *loc. cit.*, 127.

⁵³ *History of Warrick, Spencer and Perry Counties, Indiana*, 23.

⁵⁴ Barker, *loc. cit.*, 128.

⁵⁵ Barr, *loc. cit.*, 315.

1814 an attempt was made without success to bore for salt water on Cypress Creek.⁵⁶ A well 528 feet deep was put down on Pigeon Creek from which 25 to 30 bushels of salt per day were obtained. An attempt to improve the well by deeper boring resulted in obtaining mineral water which ruined the well.⁵⁷

EARLY TAXATION

For the year 1825 taxes were levied for county purposes as follows: "Each gold watch, \$1; silver and brass watches, 50 cents each; each horse three years old and over, 37½ cents; each yoke of oxen, 37½ cents; each poll, 25 cents; each town lot, \$1 for each \$100 valuation; land, one half the state tax rate."⁵⁸

By 1828 the tax rate had quite generally advanced. For that year the rate was set as follows: "First rate land, \$1.50 per hundred acres; second rate land, \$1.25 per hundred acres; third rate land, \$1.00 per hundred acres; each horse, mule or ass, \$0.62½; each work oxen, \$0.31¼; each silver watch, \$0.75; each gold watch, \$1.50; town lots per \$100 valuation, \$1.50; each retailer of spiritous liquor \$7.00."⁵⁹

BUSINESS REGULATIONS

As a means of obtaining revenue and no doubt for regulatory purposes, licenses were required to operate certain businesses in the county. In July 1827 William Luce paid \$5 for the privilege of retailing spiritous liquors in Warrick County.⁶⁰ In September 1828 the board of commissioners ordered that \$10 be assessed against Morris B. Snyder for the privilege of vending "foreign merchandise."⁶¹ In 1831 a tax of \$10 was levied on the vendors of wooden clocks.⁶² Gregory and Company paid the county \$5.00 for permission to exhibit a "caravan" of wild animals.⁶³ An exhibition on the slack wire cost a similar amount.⁶⁴

⁵⁶ Fortune, *op. cit.*, 40.

⁵⁷ Barr, *loc. cit.*, 315.

⁵⁸ Common Plea, Probate, Circuit Court, and Commissioners' Court Records, 1813-1831,

Book 5:345.

⁵⁹ *Ibid.*, 442.

⁶⁰ *Ibid.*, 397.

⁶¹ *Ibid.*, 443.

⁶² Commissioners' Record, 1:26.

⁶³ *Ibid.*, 51.

⁶⁴ *Ibid.*

In November 1824 John Hathaway was granted leave to operate a ferry across the Ohio at Mount Prospect, for the proper performance of which Hathaway filed bond, with Rowland Ellis as his security.⁶⁵ Ferry rates were prescribed by the board of commissioners as follows: "man and horse, 25 cents; man, 12½ cents; cattle and sheep, 6¼ cents each; hogs, 3 cents each."⁶⁶ In 1826 the Hathaway ferry was taxed \$5.⁶⁷ In September 1828 Moses Matthewson was authorized to operate a ferry across Little Pigeon Creek, for which privilege he paid \$1.⁶⁸ At this time Jacob Keel and Jacob Johnston were also operating ferries. The former paid a tax of \$7.50 and the latter \$6.00.⁶⁹

THE OHIO RIVER

The Ohio exerted a powerful influence on the early history of Warrick County. Many of the early settlers of the county floated downstream on flatboats and the same mode of transportation was used in early days to get surplus products of the county to market. It was an event of considerable importance when a trader came down the river about 1819 with 30 or 40 barrels of flour and other commodities, some of which he traded to citizens of the county for various commodities.⁷⁰ The first steamboat was launched on the Ohio in 1811. By 1842 the steamboat tonnage of the Mississippi Valley exceeded by 40,000 tons the steamboat tonnage of Great Britain.⁷¹ Warrick County participated in this trade through its principal port, Newburgh, earlier known as Sprinklesburg and Mount Prospect.⁷² It was a flourishing town in the middle of the nineteenth century as indicated by the following description written in 1868: "The village that in 1830 contained a population of 37 souls now contains more than 2,000, and has one printing office, six dry goods stores,

⁶⁵ Common Plea, Probate, Circuit Court, and Commissioners' Records, 1813-1831, Book 5:332.

⁶⁶ *Ibid.*, 335.

⁶⁷ *Ibid.*, 336.

⁶⁸ *Ibid.*, 433, 442.

⁶⁹ *Ibid.*, 442.

⁷⁰ Fortune, *op. cit.*, 41.

⁷¹ Lee Burns, "The Ohio River, Its Influence on the Development of Indiana", *Indiana Magazine of History*, 19:174.

⁷² Archer Butler Hulbert, *The Ohio River and Its Tributaries* (1903), 150.

seventeen grocery stores, four crockery stores, two hardware stores, three drugstores, four large flouring mills, two extensive saw-mills, one brewery, one shingle factory, two plow factories, two wagon factories, one tannery, six boot and shoe manufactories, three saddle and harness establishments, two tin and sheet iron manufactories, four millinery shops, one large tobacco stemery, two establishments for the manufacture of furniture, two stone cutters, one brick-yard."⁷³

POOR RELIEF

An early law provided that all poor people who had become public charges were to be maintained in private homes at public expense.⁷⁴ Many examples of the administration of the law are found in the Commissioners' Record, of which the following are illustrative: "Ordered that the county treasurer pay James H. Conditt \$7.00 for clothing furnished William Branham, a pauper."⁷⁵ "Ordered that the county treasurer pay Jacob Keele \$5.00 for care and attention to William Rowland in his last illness."⁷⁶ "Ordered that the county treasurer pay James McMurty \$15.43 $\frac{3}{4}$ for keeping two children of the widow David for two months, paying for one coffin, digging one grave and for five yards of cambric."⁷⁷ In 1836 David Branum was farmed out to John Powers for \$37 and Polly Crow to John Tennison for \$26.50.⁷⁸

In June 1846 the county purchased for \$954 a farm containing 183 acres located in section 11, township 5 south, range 7 west, the same to be used for a county farm.⁷⁹ The care of the farm was entrusted to Zachariah Skelton who agreed to pay \$64 for the use of the farm, the commissioners agreeing to pay Skelton \$1.00 per week for each inmate of the farm.⁸⁰ The farm did not prove satisfactory and in 1851 it was sold to John Day for \$742.⁸¹ Two years later an 80 acre farm located in section 36, township 5 south, range 8

⁷³ *History of Warrick, Spencer and Perry Counties, Indiana*, 85, 86.

⁷⁴ Acts 1817-18, ch. 14.

⁷⁵ Commissioners' Record, 1:6.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, 170.

⁷⁸ *Ibid.*, 191.

⁷⁹ *Ibid.*, 2:110; *History of Warrick, Spencer and Perry Counties, Indiana*, 51.

⁸⁰ Commissioners' Record, 2:118.

⁸¹ *Ibid.*, 438.

west was purchased from Riley Rhoads for \$1,000.⁸² In September 1859 the board of commissioners ordered that there be built on the farm a house, 16 feet by 32 feet, with a shed 10 feet by 32 feet, one end of the shed to be enclosed for a kitchen and the other end to be left unenclosed for a porch.⁸³ For the year ending June 4, 1849, the total expense of caring for the poor in the county amounted to \$279.40.⁸⁴ For the 11 years from 1874 to 1884 inclusive, it averaged \$9,635.75.⁸⁵

SCHOOLS

The first schools of Warrick County were subscription schools. The houses were made of logs and the furniture rudely constructed. A school of this type was taught by Joseph Arnold in 1815. It is not known definitely but it is thought probable that this was not the first school in the county.⁸⁶

The constitution of 1816 provided that "the money which shall be paid, as an equivalent, by persons exempt from militia duty, except in time of war, shall be exclusively, in equal proportions, applied to the support of county seminaries; also all fines assessed for any breach of the penal laws shall be applied to said seminaries in the counties wherein they shall be assessed."⁸⁷ In January 1832 the seminary fund amounted to \$193.03 $\frac{1}{4}$.⁸⁸ By June 1848 it had increased to \$2,240.05.⁸⁹

In the spring of 1848 the contract for constructing the seminary building was let to Noyes White and Simon Lowe.⁹⁰ The plan specified that a two-story building, 25 feet by 52 feet should be built of "good hard brick" on a foundation of "good dressed stone." In each story there were to be two rooms, one 28 feet by 18 feet and the other 28 feet by 25 feet with a hall 10 feet wide between.⁹¹ The cost of the build-

⁸² *Ibid.*, 3:49.

⁸³ *Ibid.*, 444.

⁸⁴ *Ibid.*, 2:314.

⁸⁵ *History of Warrick, Spencer and Perry Counties, Indiana*, 51.

⁸⁶ *Ibid.*, 115.

⁸⁷ Const. 1816, art. 9, sec. 31.

⁸⁸ Commissioners' Record, 1:28.

⁸⁹ *Ibid.*, 2:229.

⁹⁰ *Ibid.*, 232.

⁹¹ *Ibid.*, 215.

ing, including the treasurer's fees, amounted to \$1,737.71.⁹² In December 1849 George W. Hayward, Samuel Summers, Charles Dickerson, T. Waite, B. Moore, Jonathan Floyd and Richard Allen were appointed seminary trustees.⁹³ In 1861 the building was sold to Benjamin Seeley for \$1,162.⁹⁴ Later it was acquired by the town of Boonville and used for school purposes.⁹⁵

In 1842 Delaney Academy was founded in Newburgh by the Indiana Presbytery. It was maintained for about 10 years in a frame building near the center of the town. In 1853 it was moved to the basement of the Cumberland Presbyterian Church. Four years later it was removed to a two-story-brick building near the edge of the town. The course of study embraced the common-school subjects, natural science, rhetoric, philosophy, mathematics, Latin and Greek. It was discontinued about 1867.⁹⁶

COAL

In 1818 the first coal mine was opened on the bank of Pigeon Creek, two miles from the Ohio River. The first coal shaft in the county was sunk on the bank of the Ohio in Newburgh in 1850.⁹⁷ By 1859 George E. Hart mined annually 25,000 bushels of coal at his farm in section 26, township 5 south, range 8 west, and delivered it at Boonville.⁹⁸ As early as 1862 mines owned by Bethel Brothers near Newburgh furnished coal for steamboat traffic on the Ohio. By the same year coal was sold extensively from a mine owned by Isaac C. Miller near Millersburg.⁹⁹ About 1870 a Mrs. Spear opened a mine southeast of Yankeetown and constructed a railroad two miles in length from it to the Ohio River.¹⁰⁰ By 1881 the mines around Newburgh were producing about 3,000 bushels of coal per day.¹⁰¹

⁹² *Ibid.*, 311.

⁹³ *Ibid.*

⁹⁴ *Ibid.*, 3:616.

⁹⁵ *History of Warrick, Spencer and Perry Counties, Indiana*, 118.

⁹⁶ *Ibid.*, 116-17.

⁹⁷ Fortune, *op. cit.*, 40.

⁹⁸ Commissioners' Record, 3:454.

⁹⁹ *Report of Geological Reconnaissance of Indiana, 1862*, p. 189.

¹⁰⁰ *Indiana Geological Report, 1871*, pp. 160, 162.

¹⁰¹ Fortune, *op. cit.*, p. viii.

RAILROADS

In 1843 a meeting was called for the purpose of discussing the feasibility of a railroad from Boonville to Evansville but adjourned without accomplishing anything.¹⁰² Five years later a road from Boonville to some point on the Ohio River was incorporated.¹⁰³ In 1851 a railroad to be called the Newburgh and Vanderburgh Railroad was incorporated.¹⁰⁴ Neither of the roads were ever begun. In 1868 the county voted assistance to a proposed north and south railroad which was to pass through Boonville. This project was likewise abandoned and the tax refunded.¹⁰⁵ Five years later the county's first railroad, the Lake Erie, Evansville and Southwestern Railway, was completed from Evansville to Boonville. In 1879 the name of the road was changed to Evansville and Eastern Railroad.¹⁰⁶ At the present time it is a part of the Southern. The New York Central, Warrick County's only other railroad, crosses the northwestern corner of the county. In 1887 the Evansville, Suburban and Newburgh Railroad Company was incorporated. The line to Newburgh was constructed and operated as a steam line until 1904 when the line was electrified. An extension to Boonville was begun in 1905 and completed the following year. The Evansville and Eastern Electric Railway was completed from Rockport to Newburgh in 1907. For a time it operated its cars from Newburgh to Evansville over the Evansville, Suburban and Newburgh tracks. Later it built its own road over the distance.¹⁰⁷

WARRICK COUNTY TODAY

In 1930 Warrick County had a population of 18,230. Of this number, 9,295 were males and 8,935 were females. Of the 17,848 white people of the county, 17,699 were native white, 16,118 were of native parentage, 1,581 were of foreign-born or mixed parentage, and 149 were foreign-born. There were

¹⁰² *Ibid.*, 25.

¹⁰³ Acts 1847-48 (local), ch. 284.

¹⁰⁴ Acts 1851 (local), ch. 170.

¹⁰⁵ Fortune, *op. cit.*, 17.

¹⁰⁶ *Ibid.*, 28.

¹⁰⁷ Glen A. Blackburn, "Interurban Railroads of Indiana", *Indiana Magazine of History*,

382 negroes.¹⁰⁸ The urban population numbered 4,208 and the rural population, 14,022.¹⁰⁹ Of the 2,295 farms of the county in 1935, 1,127 were operated by full owners, 486 by part owners, 16 by managers and 686 by tenants. The average value per farm was \$2,856 and the average value per acre, \$32.29.¹¹⁰

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

LEGAL STATUS OF THE COUNTY

A county is an involuntary corporation, organized by the general assembly as a political subdivision of the state, solely for governmental purposes. It is an instrumentality of government, exercising the powers delegated by the state and acting for the state. County officers are but agents of the state. The authority of the county and its officers and agents is limited to that expressly or impliedly conferred on them by the general assembly. Except as limited by the constitution, the general assembly has full power to create, modify, and abolish counties, and to prescribe their powers, governmental organization, and liabilities.¹

Before the adoption of the Constitution of 1851, the legislature had full power to enact local or special laws concerning county matters, and many such laws were enacted; but since 1851 there have been constitutional provisions prohibiting the enactment of local or special laws concerning several specified subjects affecting county organization and functions.² The general assembly often passes laws applicable to counties and cities having a specified population and to counties containing cities of a specified population. Such laws are sometimes upheld³ and sometimes held void as being in conflict

¹⁰⁸ *Fifteenth Census of the United States: 1930, Population*, 3:pt. 1:742.

¹⁰⁹ *Ibid.*, 708.

¹¹⁰ *U. S. Census of Agriculture, 1935*, 1:129. Indiana State Planning Board, *op. cit.*

¹ *Gavin v. Board of County Comrs.* (1885), 104 Ind. 201, 3 N. E. 846; *Applegate v. Pettijohn* (1933), 205 Ind. 122, 125, 185 N. E. 911; *McDermott v. Board of County Comrs.* (1915), 60 Ind. App. 209, 110 N. E. 237; *Buck v. Indiana Constr. Co.* (1923), 79 Ind. App. 329, 138 N. E. 356.

² Const., art. 4, secs. 22, 23.

³ *State ex rel. Hargrave v. Reitz* (1878), 62 Ind. 159; *Campbell v. Indianapolis* (1900), 155 Ind. 186, 57 N. E. 920; *Bullock v. Robison* (1911), 176 Ind. 198, 93 N. E. 998; *Wayne Twp. v. Brown* (1933), 205 Ind. 437, 186 N. E. 841; *Meara v. Brindley* (1935), 207 Ind. 657, 194 N. E. 351; *Groves v. Board of County Comrs.* (1936), 209 Ind. 371, 199 N. E. 137; *Crowe v. Board of County Comrs.* (1936), 210 Ind. 404, 3 N. E. (2d) 76; *Board of County Comrs. v. Crowe* (1938), —Ind.—, 14 N. E. (2d) 907.

with said constitutional provisions.⁴ Laws made applicable to localities having property of specified assessed valuation have been upheld.⁵ Sometimes a law affecting county organization or functions provides that it shall become operative in any county when approved by the voters or the board of commissioners of that county. The offices and courts created by the constitution exist in every county, but there is variation as to offices, boards, agencies, and courts created by statute.

The county system of government is an inheritance from England and the American colonies, whence pioneers brought their customs and laws. Its beginnings in Indiana are found in the Ordinance of 1787, enacted by Congress for the government of the Territory of the United States Northwest of the River Ohio; in the act of Congress of May 7, 1800, creating Indiana Territory; and in the laws of the Northwest Territory, 1788-1800, and of the Indiana Territory, 1805-15, enacted by the territorial general assemblies.

In 1781, 1784, 1785, and 1786, New York, Virginia, Massachusetts, and Connecticut ceded to the United States their claims to all the land north of the Ohio River, comprising Indiana, Illinois, Michigan, Ohio, Wisconsin, and part of Minnesota. This land became known as the Northwest Territory.⁶

The Ordinance of 1787 authorized the creation of counties by proclamation of the governor until the organization of the territorial general assembly, and thereafter by the latter;⁷ and this authority was continued by the act of Congress creating Indiana Territory.⁸

The governor of the Northwest Territory, by proclamation of June 20, 1790, created Knox County, embracing all of what is now the State of Indiana (as well as parts of Illinois, Michigan, Ohio, and Wisconsin).⁹

⁴ *Campbell v. Indianapolis* (1900), 155 Ind. 186, 57 N. E. 920; *Rushville v. Hayes* (1904), 162 Ind. 193, 70 N. E. 134; *Bumb v. Evansville* (1907), 168 Ind. 272, 80 N. E. 625; *Kraus v. Lehman* (1908), 170 Ind. 403, 83 N. E. 714; *Bullock v. Robison* (1911), 176 Ind. 193, 93 N. E. 998; *Boberg v. Harlem* (1924), 194 Ind. 310, 142 N. E. 705; *Heffelfinger v. Ft. Wayne* (1925), 196 Ind. 689, 149 N. E. 555; *Heckler v. Conter* (1933), 206 Ind. 376, 187 N. E. 878; *Crowe v. Board of County Comrs.* (1936), 210 Ind. 404, 3 N. E. (2d) 76.

⁵ *Gruber v. State ex rel. Welliver* (1925), 196 Ind. 436, 148 N. E. 481; *Board of County Comrs. v. Crowe* (1938), —Ind.—, 14 N. E. (2d) 903.

⁶ Clarence E. Carter, editor, *The Territorial Papers of the United States*, 2:passim.

⁷ Ordinance of 1787. *U. S. Statutes at Large*, 1:51 note.

⁸ Acts of Congress 1800, ch. 41; *U. S. Statutes at Large*, 2:58.

⁹ William Henry Smith, editor, *The St. Clair Papers*, 2:166 note. George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State, and County* (1933), 21, 514, 515.

By an act of May 7, 1800, effective July 4, 1800, Congress divided the Northwest Territory into two parts, the Eastern Division and the Western Division. The eastern boundary line of the Western Division extended from the Ohio River opposite the mouth of the Kentucky River (through the present Indiana counties of Switzerland, Ohio, Dearborn, Franklin, Union, Wayne, Randolph, and Jay; and through the present Ohio county of Mercer) to Fort Recovery, and thence north (through the present Ohio counties of Mercer, Van Wert, Paulding, Defiance, and Williams; and through the present State of Michigan) to the boundary line between the United States and Canada. By this act the said Western Division of the Northwest Territory became Indiana Territory. By an act of Congress of April 30, 1802 (the enabling act for the formation of the State of Ohio), the present north and west boundaries of the State of Ohio were established; and all the land previously included in the Eastern Division of the Northwest Territory and not retained by said act for the State of Ohio was transferred to Indiana Territory.¹⁰

By an act of January 11, 1805, effective June 30, 1805, Congress created Michigan Territory out of all that part of Indiana Territory north of a line drawn east from the southerly extreme of Lake Michigan to Lake Erie, and lying east of a line drawn from said southerly extreme of Lake Michigan through the middle of said lake to its northern extremity and thence due north to the northern boundary of the United States. By said act, the southern boundary line of Michigan Territory was placed about 10 miles south of the present northern boundary line of the State of Indiana, and passed through the present Indiana counties of Lake, Porter, La Porte, St. Joseph, Elkhart, Lagrange, and Steuben. An act of Congress of April 19, 1816 (the enabling act for the admission of Indiana into the Union) established the present northern boundary line of Indiana.¹¹

By an act of February 3, 1809, effective March 1, 1809, Congress created Illinois Territory out of "all that part of the Indiana Territory which lies west of the Wabash River, and a direct line drawn from said Wabash River and Post Vincennes, due north to the territorial line between the United

¹⁰ *U. S. Statutes at Large*, 2:58, 59, 173-175, 201, 202. Pence and Armstrong, *op. cit.*, 140, 141. Const. 1816, art. 11, sec. 17. Const., art. 14, secs. 1, 2.

¹¹ *U. S. Statutes at Large*, 2:309, 310; 3:289-291, 399, 400. Pence and Armstrong, *op. cit.*, 142, 143, 147. Const. 1816, art. 11, sec. 17. Const., art. 14, secs. 1, 2.

States and Canada." This act created the present western boundary line of the State of Indiana, but it was not until 1823 that the actual boundary line under this act was settled by the legislatures of Illinois and Indiana.¹²

The Ohio River is the southern boundary of Indiana, and was the southern boundary of the same area when included in Northwest Territory and Indiana Territory.¹³

Indiana, with its present boundaries, was admitted into the Union by a resolution of Congress of December 11, 1816, pursuant to the enabling act of April 19, 1816.¹⁴

There are 92 counties in Indiana. Knox County, the oldest, was created by proclamation of the governor of the Northwest Territory on June 20, 1790.¹⁵ The counties of Clark¹⁶ and Dearborn¹⁷ were created on February 3, 1801 and March 7, 1803, respectively, by proclamation of the governor of Indiana Territory. The counties of Franklin,¹⁸ Gibson,¹⁹ Harrison,²⁰ Jackson,²¹ Jefferson,²² Orange,²³ Perry,²⁴ Posey,²⁵ Switzerland,²⁶ Warrick,²⁷ Washington,²⁸ and Wayne²⁹ were created by special acts of the General Assembly of Indiana Territory. These 15 counties are all mentioned in the Constitution of 1816.³⁰ The remaining 77 counties were created by special acts of the General Assembly of the State of Indiana.

¹² *U. S. Statutes at Large*, 2:514, 515. Pence and Armstrong, *op. cit.*, 12, 13, 144, 145. Const. 1816, art. 11, sec. 17. Const., art. 14, secs. 1, 2.

¹³ Ordinance of 1787. *U. S. Statutes at Large*, 2:58, 59, 173, 174; 3:289, 399, 400. Const. 1816, art. 11, sec. 17. Const., art. 14, secs. 1, 2.

¹⁴ *U. S. Statutes at Large*, 3:289-291, 399, 400. Const. 1816, art. 11, sec. 17. Const., art. 14, sec. 1, 2.

¹⁵ William Henry Smith, *op. cit.*, 2:166 note.

¹⁶ Pence and Armstrong, *op. cit.*, 256.

¹⁷ *Ibid.*, 310.

¹⁸ Acts 1810, ch. 6.

¹⁹ Acts 1813, ch. 23.

²⁰ Acts 1808, ch. 1.

²¹ Acts 1815, ch. 1.

²² Acts 1810, ch. 2.

²³ Acts 1815, ch. 12.

²⁴ Acts 1814, ch. 7.

²⁵ *Ibid.*

²⁶ *Ibid.*, ch. 9.

²⁷ Acts 1813, ch. 23.

²⁸ Acts 1813-14, ch. 10.

²⁹ Acts 1810, ch. 1.

³⁰ Const. 1816, art. 12, sec. 9.

The Constitution of 1816 provided: "The General Assembly, when they lay off any new county, shall not reduce the old county, or counties, from which the same shall be taken to a less content than four hundred square miles."³¹ The Constitution of 1816 further provided that the general assembly, when creating a new county should provide certain funds for a public library.³² The Constitution of 1851 provides: "No county shall be reduced to an area less than four hundred square miles; nor shall any county, under that area, be further reduced."³³ The Constitution of 1851 further provides: "The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts, into which the State may, from time to time, be divided."³⁴ The Constitution of 1851 provides that a new county may be created out of the counties of Perry and Spencer if approved by election of the voters in those counties in such manner as may be prescribed by law;³⁵ but no such new county has been created.

The legislature passed a general law in 1861 providing for the creation of new counties by election in the affected old counties after petition has been presented to the boards of commissioners in the several counties which would be affected by the proposal.³⁶ No new counties have been created since the enactment of this law.

STRUCTURAL DEVELOPMENT OF COUNTY GOVERNMENT

Warrick County, composed of lands previously within Knox County, was created by an act of the general assembly of Indiana Territory, approved by the governor on March 9, 1813, effective April 1, 1813.³⁷ The county seat was established at Evansville in June 1814, moved to Darlington in September 1814, and to Boonville in January 1818, where it remains.³⁸

Indiana has had two constitutions: The Constitution of

³¹ *Ibid.*, art. 11, sec. 12.

³² *Ibid.*, art. 9, sec. 5.

³³ Const., art. 15, sec. 7.

³⁴ *Ibid.*, art. 4, sec. 2.

³⁵ *Ibid.*, schedule, par. 15.

³⁶ Acts 1861; Burns 26-301 to 26-310; Baldwin 5044 to 5053.

³⁷ Acts 1813, ch. 23, secs. 1, 2. Pence and Armstrong, *op. cit.*, 800. See also Historical Sketch in Part A-1 of this book.

³⁸ Acts 1813, ch. 23, sec. 5. Acts 1814, ch. 6, secs. 1, 2. Acts 1817-18 (special), ch. 10, sec. 9. Pence and Armstrong, *op. cit.*, 800-804. See also Historical Sketch in Part A-1 of this book.

1816 and the Constitution of 1851. The General Assembly of Indiana has enacted laws in the form of a code on five occasions: The Revised Laws of 1824, the Revised Laws of 1831, the Revised Statutes of 1843, and the Revised Statutes of 1852. The Revised Statutes of 1852, which became effective on May 6, 1853 as an official code, repealed, with certain specified reservations, all laws except those re-enacted in the code.³⁹ The Revised Statutes of 1881 were prepared under statutory authority, but were never enacted into law by the legislature.⁴⁰

The Constitution of 1816 provided for the following officers and court in each county: Clerk of the circuit court,⁴¹ coroner,⁴² recorder,⁴³ sheriff,⁴⁴ and a circuit court composed of one president judge for the circuit and two associate judges for the county.⁴⁵ The Constitution of 1816 further provided that the general assembly could create other offices⁴⁶ and courts.⁴⁷ All territorial laws, in force at the time of the adoption of the Constitution of 1816 and not inconsistent therewith, were continued in force until they expired or were repealed.⁴⁸

The Constitution of 1851 provided for the following officers and court in each county: Auditor,⁴⁹ clerk of the circuit court,⁵⁰ coroner,⁵¹ recorder,⁵² sheriff,⁵³ surveyor,⁵⁴ treasurer,⁵⁵ and a circuit court composed of one judge elected by the voters of the judicial circuit—the state to be divided into judicial circuits by the general assembly.⁵⁶ It further

³⁹ Const., art. 7, sec. 20. Acts 1851-52, chs. 44, 63. 1 Rev. Stat. 1852, p. xv; ch. 92. 2 Rev. Stat. 1852, p. vii. Acts 1853, ch. 105. Jones v. Cavins (1853), 4 Ind. 305.

⁴⁰ Acts 1879, ch. 90. Acts 1881, ch. 31. Acts 1881 (Spec. Sess.), ch. 94. Acts 1883, ch. 21.

⁴¹ Const., 1816, art. 5, secs. 8-10; art. 11, sec. 10.

⁴² *Ibid.*, art. 4, sec. 25; art. 12, sec. 8.

⁴³ *Ibid.*, art. 11, sec. 10.

⁴⁴ *Ibid.*, art. 4, sec. 25; art. 12, sec. 8.

⁴⁵ *Ibid.*, art. 5, secs. 1-7.

⁴⁶ *Ibid.*, art. 4, sec. 8.

⁴⁷ *Ibid.*, art. 5, sec. 1.

⁴⁸ *Ibid.*, art. 12, sec. 4.

⁴⁹ Const., art. 2, sec. 9; art. 9, sec. 2.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, art. 6, sec. 2.

⁵² *Ibid.*, art. 2, sec. 9; art. 6, sec. 2.

⁵³ *Ibid.*, art. 6, sec. 2.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, art. 7, secs. 1, 8-10, 12, 13.

provided for a prosecuting attorney for each judicial circuit;⁵⁷ and authorized the legislature to create a tribunal of conciliation,⁵⁸ other courts,⁵⁹ and other county offices.⁶⁰ The Constitution of 1851 further provided: "The general assembly may confer upon the boards doing county business in the several counties, powers of a local, administrative character."⁶¹

From the organization of Warrick County in 1813,⁶² the following officers, boards, and courts (arranged alphabetically in three groups) have existed or been legally available in the county:

OFFICERS

Appraiser (1841 to 1872)⁶³

Auditor (1841 to date)⁶⁴

Clerk of the circuit court (1814 to date)⁶⁵

Clerk of the court of common pleas (1813)⁶⁶

Coroner (1813 to date)⁶⁷

County agent (1818 to 1852)⁶⁸

County agricultural agent (1915 to date)⁶⁹

County assessor (1813 to 1852, 1872 to 1875, 1891 to date)⁷⁰

County director of public welfare (1936 to date)⁷¹

County health commissioner (1909 to 1938)⁷²

County health officer (1881 to 1909, 1938 to date)⁷³

County highway superintendent (1913 to 1933)⁷⁴

County highway supervisor (1933 to date)⁷⁵

⁵⁷ *Ibid.*, art. 7, secs. 11, 12.

⁵⁸ *Ibid.*, art. 7, sec. 19.

⁵⁹ *Ibid.*, art. 7, sec. 1.

⁶⁰ *Ibid.*, art. 6, sec. 3.

⁶¹ *Ibid.*, sec. 10. See the essays entitled "Board of County Commissioners" and "County Council."

⁶² Acts 1813, ch. 23, secs. 1, 2.

⁶³ See the essay entitled "County Assessor."

⁶⁴ See the essay entitled "Auditor."

⁶⁵ See the essay entitled "Clerk of the Circuit Court."

⁶⁶ *Ibid.*

⁶⁷ See the essay entitled "Coroner."

⁶⁸ See the essay entitled "Auditor."

⁶⁹ See the essay entitled "County Agricultural Agent."

⁷⁰ See the essay entitled "County Assessor."

⁷¹ See the essay entitled "County Department of Public Welfare."

⁷² See the essay entitled "County Health Officer."

⁷³ *Ibid.*

⁷⁴ See the essay entitled "County Highway Supervisor."

⁷⁵ *Ibid.*

County inspector of weights and measures (permissive since 1911)⁷⁶

County school commissioner (1829 to 1849)⁷⁷

County school examiner (1838 to 1865)⁷⁸

County superintendent (1873 to 1927)⁷⁹

County superintendent of schools (1927 to date)⁸⁰

Court reporter (permissive since 1881)⁸¹

District road supervisors (1813 to 1879)⁸²

Election inspectors (1813 to date)⁸³

Election judges (1813 to date)⁸⁴

Home demonstration agent (permissive since 1914)⁸⁵

Inspectors of beef, flour, pork, salt, hay, and tobacco (permissive since 1813)⁸⁶

Jury commissioners (1881 to date)⁸⁷

Lister (1813 to 1841)⁸⁸

Poll clerks (1859 to date)⁸⁹

Probation officer (permissive since 1903)⁹⁰

Prosecuting attorney (1813 to date)⁹¹

Public health nurse (permissive since 1935)⁹²

Recorder (1813 to date)⁹³

Registration clerks (1911 to 1917)⁹⁴

Registration inspector (1911 to 1917)⁹⁵

Registration officer (1889 to 1892, 1933 to date)⁹⁶

⁷⁶ Acts 1911, ch. 263. Acts 1913, ch. 161. Acts 1925; Burns 69-104, 69-106 to 69-109; Baldwin 16335, 16337 to 16340.

⁷⁷ See the essay entitled "County School Fund Board."

⁷⁸ See the essay entitled "County Superintendent of Schools."

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ See the essay entitled "Circuit Court."

⁸² See the essay entitled "County Highway Supervisor."

⁸³ See the essay entitled "County Board of Election Commissioners."

⁸⁴ *Ibid.*

⁸⁵ See the essay entitled "County Agricultural Agent."

⁸⁶ See the essay entitled "County Health Officer."

⁸⁷ See the essay entitled "Circuit Court."

⁸⁸ See the essay entitled "County Assessor."

⁸⁹ See the essay entitled "County Board of Election Commissioners."

⁹⁰ See the essay entitled "Circuit Court."

⁹¹ See the essay entitled "Prosecuting Attorney."

⁹² See the essay entitled "Public Health Nurse."

⁹³ See the essay entitled "Recorder."

⁹⁴ See the essay entitled "Registration Officer."

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

Sheriff (1813 to date)⁹⁷
 Surveyor (1813 to date)⁹⁸
 Tax collector (1824 to 1841)⁹⁹
 Treasurer (1817 to date)¹⁰⁰
 Trustee of public seminary (1818 to 1853)¹⁰¹
 Trustees of school sections (1813 to 1829)¹⁰²

BOARDS

Board of charities and corrections (1899 to 1936)¹⁰³
 Board of children's guardians (1901 to 1936)¹⁰⁴
 Board of commissioners (1817 to 1824, 1831 to 1843, 1849 to date)¹⁰⁵
 Board of equalization (1824 to 1890)¹⁰⁶
 Board of finance (1907 to date)¹⁰⁷
 Board of justices (1824 to 1831, 1843 to 1849)¹⁰⁸
 Board of primary election commissioners (1907 to date)¹⁰⁹
 Board of registration commissioners (1917 to 1919)¹¹⁰
 Board of turnpike directors (1879 to 1913)¹¹¹
 Commission of public records (1939 to date)¹¹²
 County board of canvassers (1843 to date)¹¹³
 County board of education (1873 to date)¹¹⁴
 County board of election commissioners (1889 to date)¹¹⁵
 County board of health (1881 to 1909)¹¹⁶

⁹⁷ See the essay entitled "Sheriff."

⁹⁸ See the essay entitled "Surveyor."

⁹⁹ See the essay entitled "Treasurer."

¹⁰⁰ *Ibid.*

¹⁰¹ See the essay entitled "County School Fund Board."

¹⁰² *Ibid.*

¹⁰³ See the essay entitled "County Department of Public Welfare."

¹⁰⁴ *Ibid.*

¹⁰⁵ See the essay entitled "Board of Commissioners."

¹⁰⁶ See the essay entitled "County Board of Review."

¹⁰⁷ See the essay entitled "Board of Finance."

¹⁰⁸ See the essay entitled "Board of Commissioners."

¹⁰⁹ See the essay entitled "Board of Primary Election Commissioners."

¹¹⁰ See the essay entitled "Registration Officer."

¹¹¹ See the essays entitled "Board of Commissioners" and "County Highway Supervisor."

¹¹² See the essay entitled "Commission of Public Records."

¹¹³ See the essay entitled "County Board of Canvassers."

¹¹⁴ See the essay entitled "County Board of Education."

¹¹⁵ See the essay entitled "County Board of Election Commissioners."

¹¹⁶ See the essay entitled "County Health Officer."

County board of public welfare (1936 to date)¹¹⁷
 County board of review (1891 to date)¹¹⁸
 County board of tax adjustment (1932 to date)¹¹⁹
 County council (1899 to date)¹²⁰
 County department of public welfare (1936 to date)¹²¹
 County planning commission (permissive since 1935)¹²²
 County school fund board (1935 to date)¹²³
 Miners' examination board (1911 to date)¹²⁴
 Precinct registration board (1911 to 1917, 1919 to 1927)¹²⁵
 Township board of registry (1867 to 1869)¹²⁶

COURTS

Circuit court (1814 to date)¹²⁷
 Court of common pleas (1813, 1853 to 1873)¹²⁸
 Court of conciliation (1853 to 1865)¹²⁹
 Magistrates court (permissive since 1939)¹³⁰
 Probate court (1829 to 1853)¹³¹

In the early days of the county few public officials were needed. One court was needed to try civil and criminal cases and to administer estates of decedents. Criminal cases constituted a large majority of the court's business. The sheriff preserved order generally, took part in conducting elections, attended court and executed its process, acted as county treasurer, and collected taxes. The clerk of the court acted as ministerial officer of the court, served as

¹¹⁷ See the essay entitled "County Department of Public Welfare."

¹¹⁸ See the essay entitled "County Board of Review."

¹¹⁹ See the essay entitled "County Board of Tax Adjustment."

¹²⁰ See the essay entitled "County Council."

¹²¹ See the essay entitled "County Department of Public Welfare."

¹²² Acts 1935; Burns, 1939 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

¹²³ See the essay entitled "County School Fund Board."

¹²⁴ See the essay entitled "Miners' Examination Board."

¹²⁵ See the essay entitled "Registration Officer."

¹²⁶ *Ibid.*

¹²⁷ See the essay entitled "Circuit Court."

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ Acts 1939, ch. 164. This act has been held unconstitutional by several circuit courts, and the question has not yet been settled by the Supreme Court of Indiana. No magistrates have been appointed in Warrick County under authority of this act.

¹³¹ See the essay entitled "Circuit Court."

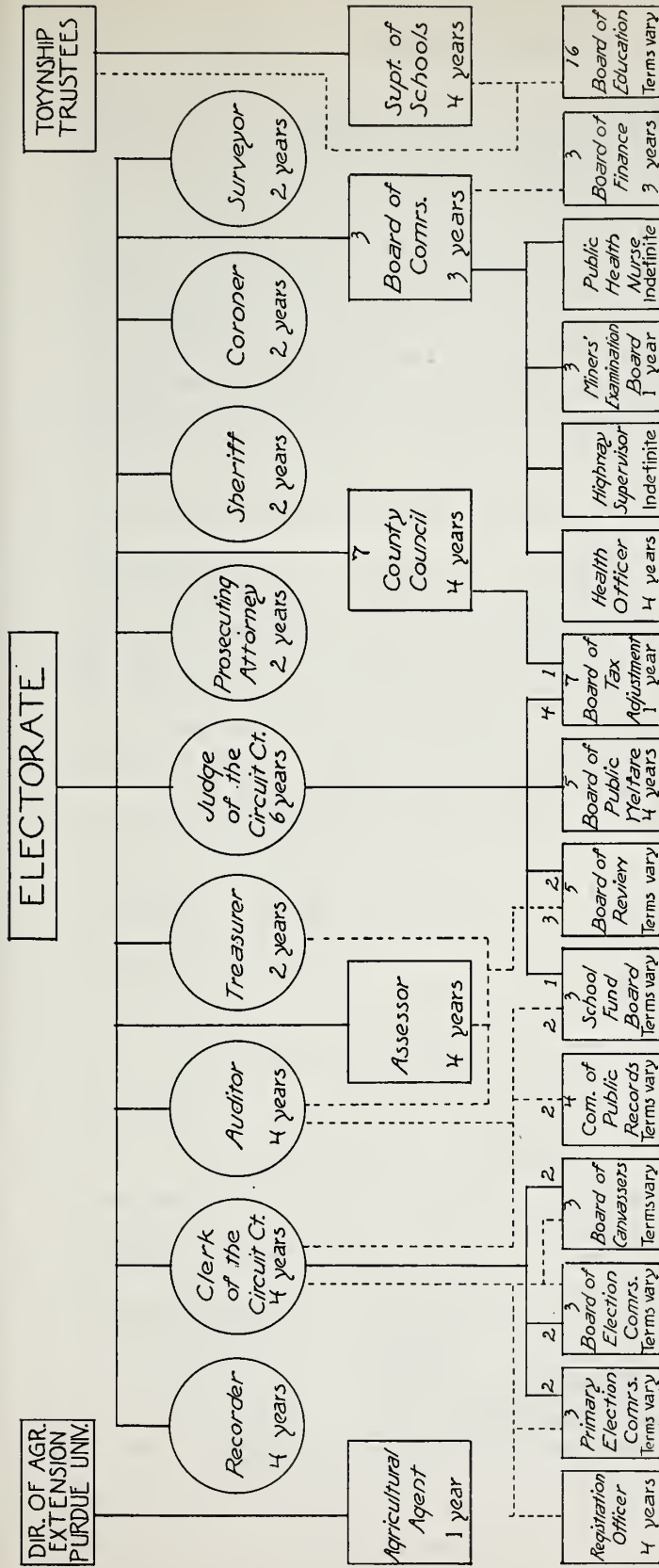
clerk of the board doing county business, took part in elections, county finance, and taxation, and was in general a "county clerk"—a name by which he is often called now. The duties of the coroner, prosecuting attorney, recorder, and surveyor were similar to their present duties. The office of treasurer and tax collector were established in 1817 and 1824, respectively, relieving the sheriff of some duties; and the duties of the tax collector were transferred to the treasurer in 1841. County business was transacted by the judges of the court of common pleas in 1813, the associate judges of the circuit court from 1814 to 1817, the board of commissioners from 1817 to 1824, 1831 to 1843, 1849 to 1899, the board of justices from 1824 to 1831, 1843 to 1849, and the board of commissioners and county council since 1899. The board doing county business had charge of the acquisition, use, and disposition of county property, constructed public buildings, levied taxes, issued licenses, established and constructed roads and bridges, allowed claims against the county, employed public officials other than the constitutional officers, and provided for public education and poor relief. As a result of increased property valuations, property transfers, business activity, and transportation facilities, taxation gradually grew from a very simple form to a more complex form, affecting more kinds of property and requiring additional county officials. New courts were created and abolished from time to time. The office of auditor (the financial agent of the county) was created in 1841 to take over many duties of the clerk of the circuit court. The first tax law for the support of schools was passed in 1849. Since the adoption of the Constitution of 1851 the public school facilities have steadily improved. In 1899 the "County Reform Law" was enacted, transferring to the newly created county council many duties concerning taxation and finance previously performed by the board of commissioners. In recent years public health service and public welfare assistance have become important functions of the county and its officials.

GENERAL ADMINISTRATION

The board of commissioners may purchase and sell property for the county;¹³² has control of the county property;¹³³ has

¹³² Acts 1899; Burns 26-534; Baldwin 5399. Acts 1907; Burns 26-2008; Baldwin 5107. Acts 1899; Burns 28-250 to 28-257; Baldwin 6602 to 6609.

¹³³ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236.



Circles - constitutional officers.
 Squares - statutory officers.
 Figures - number of members and term of office.
 Solid lines - elected or appointed.
 Broken lines - ex officio.

Board of Tax Adjustment, selection of two members not indicated: One, the Mayor of Boonville or his appointee; one, a member of the board of school commissioners of Boonville.

Health Officers, appointment approved by state board of health.

Commission of Public Records, selection of two members not indicated: One, the judge of Circuit Court; one, the president of the board of commissioners.

Chart of Yarrick County Governmental Organization, 1940

charge of the purchase of materials and supplies needed by the county officials;¹³⁴ has charge of the construction and maintenance of roads,¹³⁵ bridges, culverts,¹³⁶ waterways,¹³⁷ and county buildings;¹³⁸ has the power of eminent domain;¹³⁹ provides office rooms for county officers;¹⁴⁰ prepares annual budget estimates;¹⁴¹ may authorize tax refunds;¹⁴² allows claims against the county;¹⁴³ issues bonds;¹⁴⁴ may establish or abolish townships and election precincts, and change the boundary lines thereof;¹⁴⁵ provides rooms, booths, ballot boxes, and voting machines (permissive) for elections;¹⁴⁶ may establish and maintain libraries¹⁴⁷ and hospitals;¹⁴⁸ may establish a workhouse and employ a superintendent thereof;¹⁴⁹ inspects the

¹³⁴ Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

¹³⁵ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

¹³⁶ Acts 1905, 1907, 1929; Burns 36-1901 *et seq.*; Baldwin 9236 *et seq.* Acts 1905, 1911, 1913; Burns 36-2001 *et seq.*; Baldwin 9191 *et seq.* Acts 1920 (Spec. Sess.); Burns 36-2404; Baldwin 9154.

The board may purchase toll bridges. Acts 1861; Burns 26-1415; Baldwin 5329.

¹³⁷ Acts 1883; Burns 26-1401 to 26-1412; Baldwin 5313 to 5323. Acts 1873; Burns 26-1413, 26-1414; Baldwin 5291, 5292. Acts 1905; Burns 68-101 to 68-107; Baldwin 16324 to 16330.

¹³⁸ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1907; Burns 26-2002, 26-2004; Baldwin 5101, 5103.

¹³⁹ Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1. Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

¹⁴⁰ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1899; Burns 26-625; Baldwin 5241. 1 Rev. Stat. 1852; Burns 49-3202; Baldwin 5470.

¹⁴¹ Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

¹⁴² Acts 1919, 1927, 1929; Burns 64-2819 to 64-2821; Baldwin 15881, 15882, 15385.

¹⁴³ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256.

¹⁴⁴ 1 Rev. Stat. 1852, Acts 1869; Burns 26-1001 *et seq.*; Baldwin 5242 *et seq.*

¹⁴⁵ Townships. Acts 1859, 1939; Burns, 1939 suppl., 26-701; Baldwin, 1939 suppl., 16055. Acts 1919; Burns 26-705; Baldwin 16059.

Election precincts. Acts 1889, 1907; Burns 29-801 *et seq.*; Baldwin 7089 *et seq.* Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

¹⁴⁶ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1889; Burns 29-1101; Baldwin 7101. Acts 1897; Burns 29-1121; Baldwin 7135.

¹⁴⁷ Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321.

¹⁴⁸ Acts 1903; Burns 22-3201; Baldwin 4507.

¹⁴⁹ Acts 1879 (Spec. Sess.); Burns 13-1101, 13-1102; Baldwin 13759, 13760.

county jail¹⁵⁰ and poor asylum;¹⁵¹ may prescribe regulations governing the work of prisoners outside the jail;¹⁵² maintains standards of weights and measures;¹⁵³ may order the establishment of a permanent meridian line in the county;¹⁵⁴ may regulate traffic on the highways;¹⁵⁵ may enforce regulations of the Administrative Building Council of Indiana;¹⁵⁶ may determine the question of public utility of a levee petitioned for by a levee association;¹⁵⁷ may make special assessments to pay the cost of construction of roads;¹⁵⁸ may subscribe for and preserve newspapers printed in the county;¹⁵⁹ may reproduce mutilated or decayed records;¹⁶⁰ may administer oaths, enforce its orders, and punish for contempt;¹⁶¹ may authorize the payment of bounties;¹⁶² may offer rewards in case of murder or lynching;¹⁶³ examines the treasurer's quarterly reports,¹⁶⁴ and makes annual settlements with him;¹⁶⁵ annually prepares a statement of the receipts and disbursements of the previous year, and causes it to be published and posted;¹⁶⁶ may approve (subject to further approval by the state board of accounts) the installation of a modern tax-accounting system in the offices of the auditor and treasurer;¹⁶⁷ may authorize county officers to use a photographic process for recording deeds,

¹⁵⁰ Acts 1909; Burns 13-1008; Baldwin 13460.

¹⁵¹ 1 Rev. Stat. 1852, Acts 1899; Burns 52-205; Baldwin 13373.

¹⁵² Acts 1905; Burns 9-2229; Baldwin 2336.

¹⁵³ 1 Rev. Stat. 1852; Burns 69-101.

¹⁵⁴ Acts 1895; Burns 49-3307; Baldwin 5513.

¹⁵⁵ Acts 1919; Burns 36-706; Baldwin 8899.

¹⁵⁶ Acts 1923; Burns 20-401, 20-408; Baldwin 4603, 4610.

¹⁵⁷ Acts 1913, 1927; Burns 27-915; Baldwin 10241.

¹⁵⁸ Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

¹⁵⁹ 1 Rev. Stat. 1852; Burns 26-626; Baldwin 5285.

¹⁶⁰ Acts 1877; Burns 26-634, 26-635; Baldwin 5339, 5340.

¹⁶¹ 1 Rev. Stat. 1852; Burns 26-619; Baldwin 5233.

¹⁶² 1 Rev. Stat. 1852, Acts 1875, 1883, 1911; Burns 26-1101 to 26-1103, 26-1105, 26-1106; Baldwin 5288, 3802, 5289, 5293, 9294.

¹⁶³ Acts 1899; Burns 26-1104; Baldwin 5290.

¹⁶⁴ Acts 1895, 1913; Burns 49-1402; Baldwin 7578.

¹⁶⁵ Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

¹⁶⁶ Acts 1899; Burns 26-546; Baldwin 5411.

¹⁶⁷ Acts 1937; Burns, 1939 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

mortgages, and other instruments;¹⁶⁸ may license ferries¹⁶⁹ and fix ferry rates;¹⁷⁰ may authorize elections for the incorporation of towns;¹⁷¹ may authorize a town to annex unplatted lots;¹⁷² may specify "what kind of animals shall be allowed to pasture or run at large on the uninclosed lands or public commons" within the bounds of any township in the county;¹⁷³ is authorized to appoint a county highway supervisor,¹⁷⁴ a county health officer,¹⁷⁵ a public health nurse,¹⁷⁶ a county inspector of weights and measures,¹⁷⁷ an appraiser of state lands,¹⁷⁸ certain justices of the peace,¹⁷⁹ five members of a county planning commission,¹⁸⁰ and three members of a miners' examination board;¹⁸¹ may employ a county attorney,¹⁸² tax ferrets,¹⁸³ a civil engineer (if the surveyor is not a competent civil engineer),¹⁸⁴ a county veterinarian,¹⁸⁵ a physician for poor persons (in county institutions) and prisoners;¹⁸⁶ may authorize the appointment of deputy county officers;¹⁸⁷ approves

¹⁶⁸ Acts 1927; Burns 49-3207; Baldwin 14667.

¹⁶⁹ Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

¹⁷⁰ Acts 1881 (Spec. Sess.), 1897; Burns 36-2615; Baldwin 7705.

¹⁷¹ Acts 1905; Burns 48-105; Baldwin 11328.

¹⁷² Acts 1909; Burns 48-707, 48-708; Baldwin 11340, 11341.

¹⁷³ 1 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 16-101, 16-102; Baldwin 5028, 5029.

¹⁷⁴ Acts 1933; Burns 36-1110; Baldwin 8708.

¹⁷⁵ Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

¹⁷⁶ Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

¹⁷⁷ Acts 1911, ch. 263, sec. 3. Acts 1913, ch. 161, sec. 1. Acts 1925; Burns 69-104, 69-107;

Baldwin 16335, 16338.

¹⁷⁸ Acts 1889; Burns 62-207; Baldwin 15273.

¹⁷⁹ Acts 1891, 1923; Burns 5-109, 5-110; Baldwin 1833, 1834.

¹⁸⁰ Acts 1935; Burns, 1939 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

¹⁸¹ Acts 1923; Burns 46-1001; Baldwin 11073.

¹⁸² Acts 1917; Burns 10-3103; Baldwin 822. Acts 1899; Burns 26-519; Baldwin 5383.

¹⁸³ Acts 1905; Burns 64-2830; Baldwin, 1935 suppl., 15696-1.

¹⁸⁴ 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

¹⁸⁵ Acts 1915; Burns 16-701; Baldwin 3851.

¹⁸⁶ 1 Rev. Stat. 1852, ch. 3, sec. 8. Acts 1859, ch. 5, sec. 1. Acts 1899; Burns 26-533;

Baldwin 5398. Lamar v. Board of County Comrs. (1892), 4 Ind. App. 191, 30 N. E. 912.

¹⁸⁷ Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. Acts 1937; Burns, 1939 suppl., 49-3330; Baldwin, 1937 suppl., 5511-1.

the official bonds¹⁸⁸ of the auditor,¹⁸⁹ clerk of the circuit court,¹⁹⁰ coroner,¹⁹¹ county highway supervisor,¹⁹² recorder,¹⁹³ sheriff,¹⁹⁴ surveyor,¹⁹⁵ and treasurer;¹⁹⁶ may remove a delinquent county treasurer after suit on his official bond has been commenced;¹⁹⁷ and may appoint successors in case of any vacancy in the offices of auditor, clerk of the circuit court, coroner, county assessor, surveyor, sheriff, treasurer,¹⁹⁸ and any officers originally appointed to office by the board of commissioners.¹⁹⁹ Appointments made by the board are certified by the auditor.²⁰⁰

The members of the board of commissioners are ex officio members of the board of finance.²⁰¹ The president of the board of commissioners is an ex officio member of the commission of public records.²⁰²

A regular session of the board of commissioners begins on the first Monday of each month and continues so long as the necessary business of the session requires.²⁰³ Special sessions are held when called by the auditor, or, in case of death or disqualification, by the clerk of the circuit court or the recorder, respectively.²⁰⁴ Any two members constitute a quorum to do business.²⁰⁵ The sheriff, in person or by deputy, attends

¹⁸⁸ Acts 1851-52; Burns 49-123; Baldwin 13093.

¹⁸⁹ Acts 1889; Burns 49-3003; Baldwin 5417.

¹⁹⁰ Acts 1875; Burns 49-2703; Baldwin 1430.

¹⁹¹ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

¹⁹² Acts 1925; Burns 69-106; Baldwin 16337.

¹⁹³ Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

¹⁹⁴ Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

¹⁹⁵ Acts 1913; Burns 49-3302 to 49-3304; Baldwin 5505 to 5507.

¹⁹⁶ 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548.

¹⁹⁷ 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

¹⁹⁸ 1 Rev. Stat. 1852; Burns 49-405; Baldwin 13104. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

¹⁹⁹ See the authorities cited above for the appointment of officers by the board of commissioners.

²⁰⁰ 1 Rev. Stat. 1852; Burns 49-204; Baldwin 13098.

²⁰¹ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50. See the essay entitled "Board of Finance."

²⁰² Acts 1939, ch. 91, sec. 1. See the essay entitled "Commission of Public Records."

²⁰³ Acts 1899; Burns 26-550; Baldwin 5221.

²⁰⁴ Acts 1863, 1899; Burns 26-607 to 26-610; Baldwin 5222 to 5225.

²⁰⁵ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

the meetings of the board and executes its orders.²⁰⁶ All meetings of the board are open to the public.²⁰⁷ The board adopts regulations for the transaction of business; and in the trial of causes it is required to comply, so far as practicable, with the rules for conducting business in the circuit court.²⁰⁸ Whenever, in the trial of any cause, two or more members of the board are disqualified, the circuit judge appoints special commissioners to act in their places.²⁰⁹ Members of the board of commissioners are privileged from arrest and from obeying any subpoena to testify, during any session of the board and while going to and returning from the same.²¹⁰

Though appeals may be taken to the circuit court to review all judicial decisions of the board, no appeal lies from the action of the board in a purely ministerial or administrative capacity, unless a statute specifically allows it.²¹¹ Appeals are authorized in proceedings concerning claims against the county,²¹² removal of the county seat,²¹³ establishment or termination of a public ferry,²¹⁴ establishment or modification of townships,²¹⁵ and highway matters.²¹⁶

The auditor, as clerk of the board, attends its meetings, keeps a record of the proceedings, and preserves in his office all the books and papers touching the business of the county.²¹⁷

The purpose of the general assembly in creating the county council in 1899 was to place limits and checks on county business and on payments out of the county treasury.²¹⁸ Before 1899 the board of commissioners performed the duties now performed by the council.²¹⁹

²⁰⁶ 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

²⁰⁷ 1 Rev. Stat. 1852; Burns 26-623; Baldwin 5239.

²⁰⁸ 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

²⁰⁹ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

²¹⁰ 1 Rev. Stat. 1852; Burns 3-401; Baldwin 721.

²¹¹ 1 Rev. Stat. 1852; Burns 26-901. State ex rel. Starry v. Board of County Comrs.

(1893), 136 Ind. 207, 35 N. E. 1100.

²¹² Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

²¹³ Acts 1885 (Spec. Sess.); Burns 26-410.

²¹⁴ 1 Rev. Stat. 1852; Burns 36-2615; Baldwin 7705.

²¹⁵ Acts 1859, 1939; Burns, 1939 suppl., 26-701; Baldwin, 1939 suppl., 16055.

²¹⁶ Acts 1905; Burns 36-1501; Baldwin 8858.

²¹⁷ 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

²¹⁸ Acts 1899; Burns 26-529; Baldwin 5393. Snider v. State ex rel. Leap (1934), 206 Ind.

474, 190 N. E. 178.

²¹⁹ 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16-18, 21, 22.

The county council makes appropriations of money to be paid out of the county treasury, makes county tax levies, fixes the county tax rates,²²⁰ authorizes the borrowing of money for the county,²²¹ authorizes the county to purchase, sell or convey real estate of the value of \$1,000 or more,²²² and fixes the amounts of salaries of deputy officers and other assistants of county officers.²²³ In making appropriations, the council considers estimates of expenditures which are filed by all county officers with the auditor and presented by him to the council with his recommendations and proposed ordinances.²²⁴ Such appropriations, tax levies, and tax rates are subject to review by the county board of tax adjustment.²²⁵ In mandamus proceedings, the court can compel the county council to make appropriations and tax levies where it is the statutory duty of the council to do so; and this is true though such duty rests on the performance of a condition, if in fact the condition has been performed.²²⁶ The authorization by the council of the issuance of bonds or notes in an amount exceeding \$5,000, excepting temporary obligations, is subject to review by the state board of tax commissioners; and no bonds or notes bearing interest greater than five percent per annum can be issued without the approval of said board.²²⁷

The county council and the board of commissioners, acting together, approve the acceptance of lands given or devised to the county for purposes of a public forest;²²⁸ hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject

²²⁰ Acts 1899, 1931; Burns 26-507, 26-515, 26-520; Baldwin 5371, 5379, 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

²²¹ Acts 1899, 1921, 1929; Burns 26-532, 26-540; Baldwin 5396, 5405.

²²² Acts 1899; Burns 26-534; Baldwin 5399. Acts 1903; Burns 22-3201; Baldwin 4507.

²²³ Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²²⁴ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

²²⁵ Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

²²⁶ Acts 1899; Burns 26-528; Baldwin 5392. State ex rel. Simpson v. Meeker (1914), 182 Ind. 240, 105 N. E. 906; State ex rel. Test v. Steinwedel (1932), 203 Ind. 457, 180 N. E. 865; Blue v. State ex rel. Powell (1936), 210 Ind. 486, 1 N. E. (2d) 122.

²²⁷ Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736. Citizens Bank v. Burnettsville (1932), 98 Ind. App. 92, 179 N. E. 724.

²²⁸ Acts 1929; Burns 32-105; Baldwin 4879.

to appeal to the circuit court;²²⁹ determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;²³⁰ rebuild courthouses and jails destroyed by fire or windstorm, and issue bonds to defray the expense thereof.²³¹

It is unlawful for any councilman to be interested personally in any contract with the county, or to purchase, for less than par, any bond, warrant, claim or demand against the county.²³²

The county council holds a regular annual meeting on the first Tuesday after the first Monday of September of each year. Special meetings may be called by the auditor or a majority of the members of the council.²³³ The sessions are open to the public and may continue until all business is completed.²³⁴ A majority of all the members constitutes a quorum to do business, and such majority must concur in the passage of ordinances.²³⁵ A greater vote is required in order to expel a member (two-thirds),²³⁶ adopt appropriations for items not included in budget estimates or for amounts greater than those of the items in the budget estimates (three-fourths),²³⁷ adopt appropriations at a special meeting (two-thirds),²³⁸ and to levy taxes for the repair, maintenance, or preservation of county highways (unanimous).²³⁹ The sheriff, in person or by deputy, attends the sessions of the council and executes its orders.²⁴⁰

The auditor, as ex officio clerk of the council, keeps in his office the files and papers of the council and a record of its proceedings.²⁴¹ He keeps separate accounts for each specific item of appropriation made by the council.²⁴²

²²⁹ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

²³⁰ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

²³¹ Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

²³² Acts 1899; Burns 26-513, 26-514; Baldwin 5377, 5378.

²³³ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

²³⁴ Acts 1899; Burns 26-508; Baldwin 5372.

²³⁵ Acts 1899; Burns 26-511; Baldwin 5375.

²³⁶ Acts 1899; Burns 26-512; Baldwin 5376.

²³⁷ Acts 1899; Burns 26-520; Baldwin 5384.

²³⁸ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

²³⁹ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715.

²⁴⁰ Acts 1899; Burns 26-510; Baldwin 5374.

²⁴¹ Acts 1899; Burns 26-509; Baldwin 5373. State ex rel. Van Der Veer v. Butcher (1933),

205 Ind. 117, 185 N. E. 908.

²⁴² Acts 1899; Burns 26-523; Baldwin 5387.

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CONTRACTS

The board of commissioners, as the general governing body of the county, is the agency entrusted with the making of contracts for the purchase of materials and supplies for all county offices, and for the construction of county buildings and other public improvements.²⁴³ The board cannot bind the county by any contract which is beyond the scope of its powers.²⁴⁴ While contracts made by the board are ordinarily in writing, the board may, in certain cases, bind the county by oral contracts.²⁴⁵

Though the statutes prescribing the methods of letting contracts vary in detail, their general features are fairly uniform. The board is usually required to prepare specifications of commodities to be purchased or work to be performed, together with plans, drawings, or models, if necessary or desirable, and to place these on file in the auditor's office for public inspection. Notice is then given by publication in newspapers of general circulation that the specifications are on file for examination and that sealed bids will be received up to a certain date. The board, after examination of the bids submitted, is required to award the contract to the lowest responsible bidder, or, in some instances, the lowest and best bidder.²⁴⁶ The right is usually reserved to the board, however, to reject any and all bids, if they are unsatisfactory, and re-advertise for new bids. Contracts cannot be made unless money has previously been appropriated by the county council for the particular purpose involved.²⁴⁷

As a general rule the time for performance of a contract may extend beyond the official terms of the county commission-

²⁴³ Acts 1899, 1903, 1933; Burns 26-536, 26-537; Baldwin 5401, 5402. Acts 1907; Burns 26-2001 to 26-2009; Baldwin 5100 to 5208. Acts 1913, 1929, 1933; Burns 53-101 to 53-106; Baldwin 14079 to 14083.

²⁴⁴ *Hight v. Board of County Comrs.* (1879), 68 Ind. 575, 577. *Driftwood Valley Turnpike Co. v. Board of County Comrs.* (1880), 72 Ind. 226; *Board of County Comrs. v. Bradford* (1880), 72 Ind. 455.

²⁴⁵ *McCabe v. Board of County Comrs.* (1874), 46 Ind. 360; *Board of County Comrs. v. Ritter* (1883), 90 Ind. 362.

²⁴⁶ The courts have held that provisions of this nature vest some discretion in the board in determining the bidder to whom the contract shall be awarded. *Ness v. Board of County Comrs.* (1912), 178 Ind. 221, 98 N. E. 33; *Eigenmann v. Board of County Comrs.* (1913), 53 Ind. App. 1, 101 N. E. 38.

²⁴⁷ Acts 1899; Burns 26-525, 26-527; Baldwin 5389, 5391.

ers, if the contract is made in good faith.²⁴⁸ A contract employing an attorney is an exception to this rule.²⁴⁹

ACTIONS

Ordinarily an action for or against the county is brought by or against the board of commissioners.²⁵⁰ An action to recover money from the county cannot be maintained until a claim therefor has been presented to the board of commissioners and disallowed in whole or in part; but the complaint in such suit need not allege such presentation and disallowance, this being a matter of defense.²⁵¹ If the allowance of a claim is illegal, unwarranted, or unauthorized, the board of commissioners may sue to recover from the payee the amount paid. If the board does not bring such suit within 60 days after such allowance, any taxpayer may demand such suit; and if such demand is refused, the taxpayer may sue for the county.²⁵² If money is illegally paid out of the county treasury, suit to recover the same from the payee may be maintained in the name of the state on the relation of the board of commissioners or the officer making disbursement. If such suit is not brought within 30 days, any citizen or taxpayer may make written demand on the board of commissioners to bring such suit; and if the board fails or refuses to do so, he may bring suit in the name of the state on his own relation.²⁵³

The board of commissioners, as relator, may sue in the name of the state to recover county funds on official bonds.²⁵⁴ The auditor, as relator, may sue in the name of the state to recover money owing to the county.²⁵⁵

²⁴⁸ Board of County Comrs. v. Shields (1891), 130 Ind. 6, 29 N. E. 385; Jessup v. Hinchman (1922), 77 Ind. App. 460, 133 N. E. 853.

²⁴⁹ Board of County Comrs. v. Taylor (1890), 123 Ind. 148, 23 N. E. 752.

²⁵⁰ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220. Shilling v. State ex rel. Board of County Comrs. (1901), 158 Ind. 185, 62 N. E. 49.

²⁵¹ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. Bass Foundry & Mach. Works v. Board of County Comrs. (1888), 115 Ind. 234, 17 N. E. 593; Board of County Comrs. v. Tichenor (1891), 129 Ind. 562, 29 N. E. 32; Mueller v. Board of County Comrs. (1920), 73 Ind. App. 196, 127 N. E. 15.

²⁵² Acts 1897; Burns 26-811; Baldwin 5262. Sudbury v. Board of County Comrs. (1901), 157 Ind. 446, 62 N. E. 45.

²⁵³ Acts 1899; Burns 26-545; Baldwin 5410.

²⁵⁴ Acts 1881 (Spec. Sess.); Burns 2-203; Baldwin 18. Graham v. State ex rel. Board of County Comrs. (1879), 66 Ind. 386; Shilling v. State ex rel. Board of County Comrs. (1901), 158 Ind. 185, 62 N. E. 49.

²⁵⁵ 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. Vanarsdall v. State ex rel. Watson (1879), 65 Ind. 176; Demarest v. Holdeman (1901), 157 Ind. 467, 62 N. E. 17.

The treasurer sues in his name, as treasurer, to collect property taxes.²⁵⁶ Suit to collect inheritance taxes is brought in the name of the county.²⁵⁷ After a claim therefor has been disallowed by the board of commissioners, the taxpayer may sue the board of commissioners to recover taxes illegally assessed or collected.²⁵⁸

Land needed by the county for public buildings,²⁵⁹ highways, bridges, culverts,²⁶⁰ drainage, sewers,²⁶¹ or airports²⁶² may be acquired by the county under its power of eminent domain, on payment of the value fixed by the court in condemnation proceedings.

The action of mandamus may be brought against any county officer to compel the performance of any act which the law specifically enjoins, or any duty resulting from his office or trust.²⁶³ For example, mandamus lies to compel: The auditor to draw warrants on the county treasury;²⁶⁴ the board of commissioners to take action on claims that have been properly presented,²⁶⁵ to approve official bonds,²⁶⁶ and to repair or rebuild bridges;²⁶⁷ and the county council to make appropriations.²⁶⁸

In some instances a county officer can be enjoined from acting illegally. Some of the acts prevented by injunction are: Collection of illegal taxes;²⁶⁹ doing of illegal acts

²⁵⁶ Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

²⁵⁷ Acts 1931; Burns 6-2415; Baldwin 15953.

²⁵⁸ Acts 1919; Burns 64-2819; Baldwin 15881. Acts 1923; Burns 64-2824; Baldwin 15884. *Cody v. Board of County Comrs.* (1932), 204 Ind. 87, 183 N. E. 404; *Board of County Comrs. v. Millikan* (1934), 207 Ind. 142, 190 N. E. 185.

²⁵⁹ Acts 1899; Burns 26-2101; Baldwin 5109.

²⁶⁰ Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

²⁶¹ Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

²⁶² Acts 1920 (Spec. Sess.); Burns 14-302; Baldwin 4022.

²⁶³ Acts 1881 (Spec. Sess.), 1911; Burns 3-2202; Baldwin 1091.

²⁶⁴ *Gill v. State ex rel. Board of County Comrs.* (1880), 72 Ind. 266.

²⁶⁵ *Board of County Comrs. v. State ex rel. Reed* (1913), 179 Ind. 644, 102 N. E. 97.

²⁶⁶ *State ex rel. Taylor v. Board of County Comrs.* (1890), 124 Ind. 554, 25 N. E. 10.

²⁶⁷ *State ex rel. Roundtree v. Board of County Comrs.* (1881), 80 Ind. 478.

²⁶⁸ *Shelby County Council v. State ex rel. School of Shelbyville* (1900), 155 Ind. 216, 57 N. E. 712.

²⁶⁹ *Hobbs v. Board of County Comrs.* (1885), 103 Ind. 575, 3 N. E. 263.

that would increase taxation;²⁷⁰ payment of illegal claims;²⁷¹ and making an illegal contract.²⁷²

The county is not liable for damages resulting from the acts or omissions of its officers, except where such liability is imposed or permitted by statute.²⁷³

Failure of the county council to make appropriations for the debt or demand constituting the subject matter of the suit does not prevent maintenance of the suit or recovery of judgment.²⁷⁴ No judgment against a county is enforceable except out of moneys appropriated by the county council for that purpose; but, by mandamus proceedings (against the county council, board of commissioners, and auditor), the county council may be compelled to make such appropriations.²⁷⁵

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all suits in which the county may be interested or involved,²⁷⁶ including suits to collect taxes²⁷⁷ or to recover tax penalties and forfeitures²⁷⁸ and suits against officers or on their bonds.²⁷⁹ The prosecuting attorney must make a report to the board of commissioners each month showing the causes in which he appeared in person or by deputy.²⁸⁰

RECORDATION

The recordation of deeds, mortgages, plats, and other private documents for purposes of preservation and public

²⁷⁰ State ex rel. Davis v. Board of County Comrs. (1905), 165 Ind. 262, 74 N. E. 1091.

²⁷¹ Warren Agri. Joint Stock Co. v. Barr (1876), 55 Ind. 30. But see Bentley v. Board of County Comrs. (1936), 102 Ind. App. 533, 200 N. E. 499.

²⁷² Farris v. Jones (1887), 112 Ind. 498, 14 N. E. 484.

²⁷³ State ex rel. Board of County Comrs. v. Board of County Comrs. (1908), 170 Ind. 595, 608, 85 N. E. 513.

²⁷⁴ Acts 1899; Burns 26-527; Baldwin 5391. Board of County Comrs. v. Pike Civil Twp. (1907), 168 Ind. 535, 81 N. E. 489.

²⁷⁵ Acts 1899; Burns 26-528; Baldwin 5392.

Formerly the public property of the county was subject to execution to satisfy such judgment. 1 Rev. Stat. 1852; Burns 26-803; Baldwin 5253.

²⁷⁶ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

²⁷⁷ Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1937; Burns, 1939 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-719, 64-1519; Baldwin 15633, 15773. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754. Acts 1933, 1937; Burns, 1939 suppl., 64-2628; Baldwin, 1937 suppl., 16009.

²⁷⁸ Acts 1919; Burns 64-608, 64-1319, 64-2208; Baldwin 15576, 15723, 15815.

²⁷⁹ Acts 1917; Burns 60-227; Baldwin 13878.

²⁸⁰ Acts 1933; Burns 49-2695; Baldwin 7550.

notice is a most important function of the county, since commerce and titles to property are directly affected thereby.²⁸¹ To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,²⁸² and the intangible tax thereon (if any) must be paid.²⁸³ For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or petition, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered. No conveyance of land can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.²⁸⁴

The recorder and clerk of the circuit court are the recording officers. List of documents which may be recorded by them are set out in the essays on their offices in Part B of this book.

Indiana has no system of registration of land titles. A bill to establish the "Torrens System" of registration of land titles was introduced in the 1939 session of the general assembly but was defeated.

Indiana has a system of registering titles to motor vehicles (law administered by the Indiana Secretary of State),²⁸⁵ but has no system of registering titles to other personal property.

JUDICIARY

Warrick Circuit Court (the only court of record in the county) has been in active existence since August 30, 1814.

²⁸¹ Acts 1935; Burns, 1939 suppl., 51-504; Baldwin, 1935 suppl., 13227-4. 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Acts 1897; Burns 56-120. Acts 1877; Burns 56-716; Baldwin 998.

²⁸² Rev. Laws 1831, ch. 41, secs. 7, 11. Acts 1905; Burns 43-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1939 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14666, 14669, 14658, 14677, 14659, 14731.

The acknowledgment or proof must be recorded with the instrument. *Ibid.*

²⁸³ Acts 1933; Burns 64-929; Baldwin 15927.

²⁸⁴ 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

²⁸⁵ Acts 1921, 1931, 1935, 1939; Burns, 1939 suppl., 47-301; Baldwin, 1939 suppl., 11128.

Warrick County alone has constituted the second judicial circuit since April 7, 1919. Before then the county belonged to judicial circuits composed of more than one county. The circuit court has consisted of one judge since 1851. Before then it was composed of three judges (two associate judges who served in Warrick County only, and one president judge—called a "circuit judge" before the adoption of the Constitution of 1816—who served in each county of the judicial circuit). The following courts previously existed in Warrick County, but were abolished: Circuit court (composed of one judge of the general court of the territory), 1813; court of common pleas, 1813, 1853 to 1873; probate court, 1829 to 1853; and court of conciliation, 1853 to 1865. An act of December 31, 1813 created in the county a circuit court composed of one judge of the general court and three other judges, but the judges refused to serve and the court never functioned.²⁸⁶

The circuit court has original jurisdiction of naturalization proceedings, all criminal cases (except those punishable only by fine not exceeding \$3), all civil actions at law, all suits in equity (including divorce suits), juvenile matters, guardianships, probate of wills, and administration of estates of decedents. The circuit court is known as the "Juvenile Court" when exercising jurisdiction of juvenile matters.²⁸⁷ The United States Department of Labor does not furnish the circuit court with the necessary printed forms for naturalization proceedings, hence the circuit court is prevented from exercising its naturalization jurisdiction.²⁸⁸

The circuit court has appellate jurisdiction²⁸⁹ to review decisions of the justices of the peace,²⁹⁰ mayor's courts, city courts, police courts,²⁹¹ board of commissioners,²⁹²

²⁸⁶ See the essay entitled "Circuit Court."

²⁸⁷ Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. Acts of Congress 1906, 1911, 1913; *U. S. C.*, title 8, sec. 357. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1905; Burns 9-711, 9-715; Baldwin 2080, 2084. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

²⁸⁸ Letter of October 15, 1939 from James A. Miller, Clerk of Warrick Circuit Court.

²⁸⁹ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

²⁹⁰ 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

²⁹¹ Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

²⁹² Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. State ex rel. Sink v. Circuit Court (1938),—Ind. —, 15 N. E. (2d) 624.

board of review fixing value of property for taxation,²⁹⁸ taxing authorities determining that property is taxable,²⁹⁴ board of public works or board of park commissioners of any city in the county (or city council performing such functions),²⁹⁵ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.²⁹⁶

The circuit court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;²⁹⁷ and to adopt rules for conducting its business.²⁹⁸ Decisions of the circuit court are reviewable by the Supreme Court of Indiana or the Appellate Court of Indiana.²⁹⁹

The judge of the circuit court is a conservator of the peace throughout his judicial circuit,³⁰⁰ and is a member of the commission of public records.³⁰¹ He appoints one member of the county-school-fund board,³⁰² five members of the county board of public welfare,³⁰³ two members of the county board of review,³⁰⁴ and four members of the county board of tax adjustment.³⁰⁵ He appoints special prosecuting attorneys (in case of failure to attend court)³⁰⁶ and special county commissioners (in case of disqualification).³⁰⁷ He approves the official bonds of the prosecuting attorney³⁰⁸ and the county director of public welfare.³⁰⁹ He can solemnize marriages,³¹⁰

²⁹⁸ Acts 1927; Burns 64-1020; Baldwin 15686.

²⁹⁴ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

²⁹⁵ Acts 1933; Burns 48-4501; Baldwin 11576.

²⁹⁶ *Hamilton v. Fort Wayne* (1880), 73 Ind. 1.

²⁹⁷ 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

²⁹⁸ 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

²⁹⁹ 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 550. Acts 1901, 1907, 1915, 1925; Burns 4-214; Baldwin 1356.

³⁰⁰ Const. 1816, art. 5, sec. 5. Const., art. 7, sec. 15.

³⁰¹ Acts 1939; Burns, 1939 suppl., 49-3701; Baldwin, 1939 suppl., 5492-1.

³⁰² Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

³⁰³ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

³⁰⁴ Acts 1895, ch. 36, sec. 2. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

³⁰⁵ Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933. ch. 237, sec. 4. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

³⁰⁶ 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461.

³⁰⁷ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

³⁰⁸ 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

³⁰⁹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

³¹⁰ Acts 1897; Burns 44-301; Baldwin 5621.

administer oaths,^{§11} and take acknowledgments and proofs of deeds and other documents.^{§12}

In each township in Warrick County there is a justice of the peace, elected for a four-year term by the voters of the township. He has original jurisdiction (concurrent with the circuit court) of certain civil actions involving \$200 or less, with power to render judgment up to \$300 on confession, exclusive original jurisdiction of misdemeanors punishable by fine not exceeding \$3, original jurisdiction (concurrent with the circuit court) of all other misdemeanors punishable by fine only, with power to assess fines only up to \$25, and jurisdiction as a committing magistrate in criminal cases. His civil jurisdiction is limited to his township, but his criminal jurisdiction is co-extensive with his county. Each justice of the peace must pay to the county treasurer all fines which he collects. Warrick County has had justices of the peace since its organization in 1813.^{§13}

Arranged according to subject matter, the courts existing in Warrick County from 1813 to date have had original jurisdiction as follows:- *Civil actions at law*: (a) circuit court (composed of one judge of the general court, 1813);^{§14} (b) circuit court (1814 to date);^{§15} (c) probate court (1838 to

§11 Acts 1861; Burns 49-601; Baldwin 13053.

§12 1 Rev. Stat. 1852, Acts 1859; Burns 56-123; Baldwin 14674.

§13 Const. 1816, art. 5, sec. 12. Const., art. 7, sec. 14. Acts 1807, ch. 1; ch. 27, sec. 1; ch. 30, sec. 3; ch. 38, secs. 1, 10, 13. Acts 1808, ch. 11. Acts 1811, ch. 36, secs. 1, 13, 17. Acts 1813, ch. 23, secs. 1, 2. Acts 1814, ch. 12, secs. 2, 5. Acts 1815, ch. 11, secs. 1, 12. Rev. Stat. 1838, ch. 7 (second act), sec. 1; ch. 58, secs. 1, 5, 14, 18, 19, 39. Rev. Stat. 1843, ch. 4, secs. 21-25; ch. 47, secs. 1-13; ch. 55, secs. 1, 5-8. 2 Rev. Stat. 1852, pt. 4, ch. 1, secs. 1-3; ch. 6, secs. 1-9. Acts 1913; Burns 5-101; Baldwin 1828. 2 Rev. Stat. 1852, Acts 1861; Burns 5-201, 5-208; Baldwin 1857, 1859. Acts 1881; Burns 5-1803; Baldwin 1874. Acts 1905; Burns 9-711, 9-715; Baldwin 2080, 2084.

§14 Ordinance of 1787; *U. S. Statutes at Large*, 1:51, 52 note. Acts of Congress 1789, ch. 8, secs. 1, 2; *U. S. Statutes at Large*, 1:50. Acts of Congress 1800, ch. 41, secs. 2, 3; *U. S. Statutes at Large*, 2:59. Acts of Congress 1805, ch. 38, sec. 1; *U. S. Statutes at Large*, 2:338. Acts 1807, ch. 3, secs. 1, 2, 6; ch. 13, sec. 1; ch. 22, sec. 1; ch. 25, sec. 5; ch. 32, secs. 1, 4. Acts 1811, ch. 41, secs. 1-3. Acts 1813, ch. 15, sec. 2; ch. 28, secs. 1-8; ch. 31, secs. 2, 5. Acts 1813-14, ch. 29, secs. 1-5. Acts 1814, ch. 17, sec. 7. Common Plea, Probate, Circuit Court, and Commissioners' Court Records, 1813-1831, Book 3:1.

§15 Const. 1816, art. 5, secs. 1, 3. Const., art. 7, secs. 1, 8. Acts 1814, ch. 2, sec. 3; ch. 20, secs. 1, 5, 16. Acts 1815, ch. 19, sec. 1. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, sec. 5. Rev. Laws 1824, ch. 24, secs. 4, 5. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 88, sec. 1. Rev. Stat. 1843, ch. 38, secs. 7, 10-12. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

1853);^{§16} (d) court of common pleas (1813, 1853 to 1873);^{§17} *criminal cases*: (a) circuit court (composed of one judge of the general court, 1813);^{§18} (b) circuit court (1814 to date);^{§19} (c) court of common pleas (1813, 1853 to 1873);^{§20} *chancery cases*: (a) circuit court (composed of one judge of the general court, 1813);^{§21}

^{§16} Dower proceedings, partition proceedings, and actions concerning heirs, devisees, executors, administrators, and guardians. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 5, 6. Rev. Stat. 1843, ch. 39, secs. 1, 6-8.

The probate court was abolished in 1853, and its jurisdiction was transferred to the court of common pleas. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. *Jones v. Cavins* (1853), 4 Ind. 305.

^{§17} Acts 1807, ch. 2, secs. 1, 12, 14; ch. 13, sec. 1; ch. 21, secs. 1, 2; ch. 22, sec. 1; ch. 32, secs. 1, 4, 6; ch. 36, secs. 5-11; ch. 46, secs. 1-32, 41-43; ch. 47, sec. 5; ch. 48, secs. 8, 10, 12; ch. 51, secs. 4-6; ch. 63, sec. 1; ch. 66, sec. 6; ch. 69, sec. 1; ch. 77, secs. 1-7. Acts 1808, ch. 15, secs. 1-3. Acts 1810, ch. 16, secs. 1, 2; ch. 25, sec. 1; ch. 30, secs. 1, 2. Acts 1811, ch. 22, sec. 1; ch. 41, secs. 1, 2. Acts 1813, ch. 8, sec. 7. Acts 1813-14, ch. 6, sec. 3; ch. 17, sec. 5; ch. 19, sec. 2. 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 5, 7, 11, 12, 23. *Jones v. Cavins* (1853), 4 Ind. 305.

The court of common pleas (1813) was abolished by an act of December 31, 1813, and its jurisdiction was transferred to a circuit court created by that act but which never functioned as a court. Acts 1813-14, ch. 29, secs. 1-5. Louis B. Ewbank and Dorothy L. Riker, editors, *Laws of Indiana Territory 1809-1816* (1934), 65, 66.

The court of common pleas (1853 to 1873) had no jurisdiction of civil actions at law involving title to real estate, or to recover on bonds of state or county officers, or to recover damages for slander, libel, or breach of marriage contract, or to recover \$1,000 or more, or to recover \$50 or less. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11.

The court of common pleas (1853 to 1873) was abolished in 1873, and its jurisdiction was transferred to the circuit court. Acts 1873; Burns 4-328; Baldwin 1417.

^{§18} See footnote 314 herein.

^{§19} Const. 1816, art. 5, secs. 1, 3. Const., art. 7, secs. 1, 8. Acts 1814, ch. 2, sec. 3; ch. 20, secs. 1, 5, 16. Acts 1815, ch. 19, sec. 1. Acts 1816-17, ch. 2, secs. 5-7; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, secs. 5-7. Rev. Laws 1824, ch. 24, secs. 4-6. Rev. Laws 1831, ch. 22, secs. 3-5. Rev. Stat. 1838, ch. 23 (first act), secs. 3-5. Rev. Stat. 1843, ch. 38, secs. 9, 12, 13. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5. Acts 1867, ch. 16, sec. 1; ch. 26. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

^{§20} The court of common pleas (1813) had no jurisdiction of criminal cases where the punishment could extend to "life, limb, imprisonment for more than one year, or forfeiture of goods and chattels or lands and tenements." Acts 1807, ch. 1, secs. 1, 3; ch. 2, secs. 1, 7-9; ch. 4, sec. 1; ch. 6, secs. 6-14, 16-19, 24, 30; ch. 11, secs. 4, 5; ch. 37, sec. 5; ch. 48, secs. 10, 12; ch. 51, sec. 3; ch. 82, secs. 2, 3. Acts 1813-14, ch. 21, secs. 1-3.

The court of common pleas (1853 to 1873) had no original jurisdiction of felonies punishable by death. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 14-19. *Jones v. Cavins* (1853), 4 Ind. 305.

^{§21} See footnote 314 herein.

(b) circuit court (1814 to date);³²² (c) probate court (1838 to 1853);³²³ (d) court of common pleas (1813, 1853 to 1873);³²⁴ *probate matters, settlement of decedents' estates, and guardianships*: (a) circuit court (1814 to 1829, 1873 to date);³²⁵ (b) probate court (1829 to 1853);³²⁶ (c) court of common pleas (1813, 1853 to 1873);³²⁷

³²² Const. 1816, art. 5, secs. 1, 3. Const., art. 7, secs. 1, 8. Acts 1807, ch. 25, sec. 5. Acts 1813, ch. 28, secs. 1-8. Acts 1813-14, ch. 29, secs. 1-5. Acts 1814, ch. 3, secs. 1, 2; ch. 17, sec. 6; ch. 20, secs. 3, 5; ch. 21, secs. 2, 24, 25, 30. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, sec. 2; ch. 4. Acts 1817-18 (general), ch. 2, sec. 5; ch. 3. Rev. Laws 1824, ch. 24, secs. 4, 5. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), secs. 3, 12. Rev. Stat. 1843, ch. 38, secs. 8, 10-12; ch. 46, secs. 1-3. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

It is doubtful whether the circuit court had jurisdiction of divorce cases from 1814 to 1816.

³²³ Chancery suits in favor of or against heirs, devisees, legatees, executors, administrators, or guardians, and their sureties and representatives. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 5. Rev. Stat. 1843, ch. 39, secs. 1, 6; ch. 46, secs. 1-3.

³²⁴ The court of common pleas (1813) had original jurisdiction of all chancery cases except suits for divorce. Acts 1807, ch. 22, sec. 1; ch. 25, sec. 5. Acts 1813, ch. 28, secs. 7, 8; ch. 31, sec. 5.

Court of common pleas 1853 to 1873. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 7, 11, 21. Jones v. Cavins (1853), 4 Ind. 305.

³²⁵ Const. 1816, art. 5, secs. 1, 3. Const., art. 7, secs. 1, 8. Acts 1814, ch. 20, sec. 15. Acts 1815, ch. 6, secs. 4, 5; ch. 18, secs. 1-5. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, secs. 2, 3. Acts 1817-18 (general), ch. 2, sec. 5; ch. 13. Rev. Laws 1824, ch. 24, secs. 4, 5; ch. 79. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 22, sec. 3; ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 24, secs. 1, 4-6. Rev. Stat. 1843, ch. 38, secs. 6-13; ch. 39, secs. 1, 6-8. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 5. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

The probate court was abolished in 1853, and its jurisdiction was transferred to the court of common pleas. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. Jones v. Cavins (1853), 4 Ind. 305.

The court of common pleas was abolished in 1873 and its jurisdiction was transferred to the circuit court. Acts 1873; Burns 4-328; Baldwin 1417. Acts 1927, 1929; Burns 4-603; Baldwin 1453.

³²⁶ Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, secs. 1, 4-6. Rev. Stat. 1843, ch. 4, secs. 2, 9; ch. 39, secs. 1, 5-8.

The probate court was abolished in 1853 and its jurisdiction was transferred to the court of common pleas. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43. Jones v. Cavins (1853), 4 Ind. 305.

³²⁷ Acts 1807, ch. 16, secs. 1-37; ch. 23, sec. 7; ch. 56, secs. 1-3; ch. 82, sec. 2. Acts 1808, ch. 7, secs. 1-3; ch. 12, sec. 3. Acts 1810, ch. 46, secs. 1, 3. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 4. Jones v. Cavins (1853), 4 Ind. 305.

juvenile matters: (a) circuit court (1867 to date);³²⁸ (b) court of common pleas (1867 to 1873);³²⁹ conciliation: court of conciliation (1853 to 1865);³³⁰ naturalization proceedings: (a) circuit court (1814 to date);³³¹ (b) court of common pleas (1813, 1853 to 1873).³³²

The general court, being the highest court in Indiana Territory, had appellate jurisdiction, on appeal, certiorari, or writ of error, to review decisions of all other courts in the territory (including the circuit court composed of one judge of the general court). It also could require that any cause within its original jurisdiction, pending in any other court, be transferred to the general court for disposition as

The court of common plea (1853 to 1873) was abolished in 1873 and its jurisdiction was transferred to the circuit court. Acts 1873; Burns 4-328; Baldwin 1417.

³²⁸ Acts 1867, ch. 62, secs. 10-19, 22, 23. Acts 1869 (Spec. Sess.), ch. 32, secs. 19-26, 35, 36. Acts 1872 (Spec. Sess.), ch. 30. Acts 1875, ch. 45. Acts 1879, ch. 58. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1927, 1929; Burns 4-603; Baldwin 1453. Acts 1902, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

³²⁹ 2 Rev. Stat. 1852, pt. 1, ch. 3, sec. 1. Acts 1867, ch. 62, secs. 10-19, 22, 23. Acts 1869 (Spec. Sess.), ch. 32, secs. 19-26, 35, 36. Acts 1872 (Spec. Sess.), ch. 30.

The court of common pleas was abolished in 1873 and its jurisdiction was transferred to the circuit court. Acts 1873; Burns 4-328; Baldwin 1417.

³³⁰ Const., art. 7, sec. 19. 2 Rev. Stat. 1852, pt. 2, ch. 2. Jones v. Cavins³ (1853), 4 Ind. 305.

The court of conciliation was abolished in 1865. Acts 1865 (Spec. Sess.), ch. 57.

³³¹ Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357. Const. 1816, art. 5, secs. 1, 3. Const., art. 7, secs. 1, 8. Acts 1814, ch. 2, sec. 3; ch. 20, secs. 1, 5, 16. Acts 1815, ch. 19, sec. 1. Acts 1816-17, ch. 2, secs. 5, 6; ch. 3, sec. 2. Acts 1817-18 (general), ch. 2, sec. 5. Rev. Laws 1824, ch. 24, secs. 4, 5. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23 (first act), sec. 3; ch. 38, sec. 1. Rev. Stat. 1843, ch. 38, secs. 7, 10-12. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, sec. 11. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

Because of the failure of the United States Department of Labor to furnish the necessary printed forms, this court is prevented from exercising its jurisdiction in naturalization proceedings.

³³² Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 5, 7, 11, 12, 21, 23. Jones v. Cavins (1853), 4 Ind. 305.

In 1813 the court of common pleas had unlimited jurisdiction of civil actions at law and was with the purview of the Act of Congress of 1802 cited above. See authorities cited in footnote 317 herein.

The court of common pleas (1853 to 1873) was abolished in 1873 and its jurisdiction was transferred to the circuit court. Acts 1873; Burns 4-328; Baldwin 1417.

if it had originated in the general court. This court continued in existence until the Supreme Court of Indiana was organized in 1817, at which time all pending business of the general court was transferred to the supreme court.³³³ Decisions of the circuit court were reviewable by the Supreme Court of Indiana from 1817 until 1891, and since then by the Supreme Court of Indiana or the Appellate Court of Indiana.³³⁴ Decisions of the probate court (1838 to 1853) and the court of common pleas (1853 to 1873) were reviewable by the circuit court or the Supreme Court of Indiana.³³⁵ Proceedings in the court of conciliation could not be appealed to another court.³³⁶

The clerk of the circuit court, in person or by deputy, attends the circuit court and performs the customary duties of clerk at trials;³³⁷ files pleadings and papers and endorses thereon the time of such filing;³³⁸ he issues summonses,³³⁹ notices for service by publication,³⁴⁰ attachment writs,³⁴¹ garnishments writs,³⁴² executions,³⁴³ witness subpoenas,³⁴⁴

³³³ Const. 1816, art. 12, secs. 3, 4, 7, 11. Acts 1807, ch. 2, sec. 10; ch. 3, secs. 1-3; ch. 16, secs. 11, 21; ch. 27, sec. 4; ch. 44, sec. 9; ch. 46, sec. 39. Acts 1808, ch. 13, sec. 1. Acts 1813, ch. 31, sec. 8. Acts 1813-14, ch. 17, sec. 4; ch. 29, sec. 11. Acts 1814, ch. 20, secs. 1, 12. Acts 1816-17, ch. 1, sec. 25.

³³⁴ Acts 1816-17, ch. 1, secs. 7, 13. Acts 1817-18 (general), ch. 1, secs. 7, 13. Rev. Laws 1824, ch. 25, sec. 7. Rev. Laws 1831, ch. 24, sec. 7. Rev. Stat. 1838, ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70, 91. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 550. Acts 1891, ch. 37. Acts 1893, ch. 32. Acts 1897, ch. 9. Acts 1899, ch. 22. Acts 1901, 1907, 1915, 1925; Burns 4-214; Baldwin 1356.

³³⁵ Acts 1828-29, ch. 26, sec. 4. Rev. Laws 1831, ch. 24, sec. 7; ch. 25, sec. 52. Rev. Stat. 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36. 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550.

³³⁶ Const., art. 7, sec. 19. 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 7, 12-14.

³³⁷ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³³⁸ Acts 1816-17, ch. 4, sec. 28. Rev. Stat. 1843, ch. 38, sec. 49. Acts 1881 (Spec. Sess.); Burns 2-802, 2-1641; Baldwin 83, 288. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Indictment. Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

³³⁹ Acts 1881 (Spec. Sess.); Burns 2-802; Baldwin 83.

³⁴⁰ Acts 1881 (Spec. Sess.), 1885, 1935; Burns, 1939 suppl., 2-807; Baldwin, 1935 suppl., 88.

³⁴¹ Rev. Laws 1831, ch. 6, sec. 1. Acts 1881 (Spec. Sess.); Burns 3-509; Baldwin 777.

³⁴² Acts 1881 (Spec. Sess.), 1897; Burns 3-522; Baldwin 791.

³⁴³ Acts 1881 (Spec. Sess.); Burns 2-3301 to 2-3314; Baldwin 523, 526, 525, 527, 521, 522, 531, 532, 427, 528, to 530, 535, 524.

³⁴⁴ Acts 1881 (Spec. Sess.); Burns 2-1701; Baldwin 289.

letters testamentary,³⁴⁵ and letters of administration;³⁴⁶ administers oaths;³⁴⁷ takes depositions of witnesses;³⁴⁸ keeps court dockets,³⁴⁹ receivership records,³⁵⁰ inheritance tax records,³⁵¹ probate records,³⁵² guardianship records,³⁵³ and records of redemption from judicial sales;³⁵⁴ he records orders, judgments,³⁵⁵ indictments,³⁵⁶ probated wills,³⁵⁷ and notices of lis pendens;³⁵⁸ draws up a record of the proceedings of the court daily;³⁵⁹ enters in a final record book a complete record of causes finally determined;³⁶⁰ prepares and certifies transcripts of proceedings for change of venue from the county³⁶¹

³⁴⁵ Acts 1881 (Spec. Sess.); Burns 6-201; Baldwin 3025.

³⁴⁶ Acts 1881 (Spec. Sess.), 1901; Burns 6-301; Baldwin 3030.

³⁴⁷ Acts 1818-19, ch. 17, sec. 1. 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

³⁴⁸ Acts 1881 (Spec. Sess.); Burns 2-1501; Baldwin 211.

³⁴⁹ Acts 1814, ch. 13, sec. 5. Acts 1816-17, ch. 4, secs. 11, 12, 28, 32. Rev. Laws 1824, ch. 74, sec. 15. Rev. Stat. 1843, ch. 38, secs. 48, 51; ch. 40, secs. 189, 367, 437. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 358, p. 119. Acts 1881 (Spec. Sess.), 1928; Burns 2-1103, 2-2520, 2-3314; Baldwin 179, 392, 524. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Docketing appeals. Acts 1881 (Spec. Sess.); Burns 2-3226; Baldwin 500.

³⁵⁰ Acts 1911; Burns 3-2607; Baldwin 1147.

³⁵¹ Acts 1913, ch. 47, secs. 17, 18. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

³⁵² Acts 1817-18, ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, secs. 8, 38. Acts 1891, ch. 194, sec. 114. Acts 1909, ch. 10, sec. 1, p. 34. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

³⁵³ Acts 1846-47 (general), ch. 54, sec. 1. Acts 1889; Burns 8-137; Baldwin 3424.

³⁵⁴ Acts 1879, ch. 79, sec. 7. Acts 1881 (Spec. Sess.); Burns 2-4001; Baldwin 624.

³⁵⁵ Acts 1814, ch. 13, sec. 4. Rev. Laws 1824, ch. 40, sec. 13. Acts 1825, ch. 3, sec. 1. Rev. Stat. 1843, ch. 38, sec. 40. Acts 1893; Burns 2-822; Baldwin 103. Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-2706; Baldwin 392, 421. Acts 1915; Burns 3-1410; Baldwin 958. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³⁵⁶ 2 Rev. Stat. 1852, pt. 3, ch. 1, sec. 68, p. 369 (repealed by Acts 1881 (Spec. Sess.), ch. 36, sec. 323). Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

³⁵⁷ Domestic probate. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. 2 Rev. Stat. 1852; Burns 7-411; Baldwin 3385. Foreign probate. 2 Rev. Stat. 1852; Burns 7-415 to 7-417; Baldwin 3389 to 3391.

³⁵⁸ Acts 1877 (Spec. Sess.), ch. 24, secs. 1, 4. Acts 1881 (Spec. Sess.); Burns 2-813 to 2-821; Baldwin 94 to 96, 101, 102, 97 to 100. Acts 1893; Burns 2-822; Baldwin 103. Acts 1905; Burns 56-505; Baldwin 14708-1.

³⁵⁹ Acts 1814, ch. 20, sec. 11. Rev. Laws 1824, ch. 74, sec. 54. 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413.

³⁶⁰ Rev. Stat. 1843, ch. 38, secs. 40, 52. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³⁶¹ Acts 1813-14, ch. 37, secs. 1, 2. Acts 1818-19, ch. 3, sec. 4. Acts 1881 (Spec. Sess.);

or for appeal to a higher court;³⁶² and receives payments for all judgments of record in his office.³⁶³ All causes are filed in the office of the clerk, and are numbered in consecutive order as filed.³⁶⁴ The clerk is charged by statute with the duty of keeping and preserving the official records of the court.³⁶⁵ From 1829 until 1853 the clerk of the circuit court was ex officio clerk of the probate court (abolished in 1853);³⁶⁶ and from 1853 until 1873 he was ex officio clerk of the court of common pleas (abolished in 1873).³⁶⁷

The sheriff, in person or by deputy, attends the circuit court, preserves order therein, and executes the process of the court.³⁶⁸ Constables perform similar duties for the justices of the peace.³⁶⁹ The prosecuting attorney acts as attorney for the state in criminal cases and as attorney for the county and state in civil cases.³⁷⁰ The probation officer (appointed by the judge for an indefinite term) makes investigations and reports in criminal and juvenile matters as directed by the court, and supervises the conduct of persons on probation.³⁷¹ The court reporter (appointed by the judge for an indefinite term) takes down in shorthand, and thereafter transcribes into typewriting, as directed by the court or the parties, the oral evidence, rulings, instructions to the jury, and other proceedings of the court.³⁷² Two jury

Burns 2-1406; Baldwin 191. Acts 1905; Burns 9-1305; Baldwin 2226. Fees on change of venue and record thereof. Acts 1913, ch. 256, sec. 2. Acts 1927; Burns 2-1421; Baldwin 203. *Opinions of the Attorney General of Indiana, 1934*, p. 128.

³⁶² Acts 1903, 1915; Burns 2-3104; Baldwin 462. Acts 1881 (Spec. Sess.); Burns 2-3105;

Baldwin 455. Acts 1903, 1933; Burns 2-3112; Baldwin 466.

³⁶³ Acts 1875; Burns 49-2719; Baldwin 1438.

³⁶⁴ Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³⁶⁵ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

³⁶⁶ Acts 1829-30, ch. 26, sec. 3. Rev. Laws 1831, ch. 25, sec. 7. 1 Rev. Stat. 1852, ch. 92,

sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

³⁶⁷ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

³⁶⁸ 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495.

³⁶⁹ 2 Rev. Stat. 1852; Burns 5-601; Baldwin 1865. Acts 1905; Burns 9-710; Baldwin 2081.

2 Rev. Stat. 1852; Burns 49-3401, 49-3403, 49-3407; Baldwin 16116, 16119, 16122.

³⁷⁰ 2 Rev. Stat. 1852; Burns 49-2501, 49-2504; Baldwin 5456, 5460.

³⁷¹ Acts 1903, ch. 23, sec. 2. Acts 1925, ch. 218. Acts 1927; Burns 9-2212, 9-2213; Baldwin 2363, 2364.

³⁷² Acts 1881 (Spec. Sess.), ch. 89. Acts 1899, 1927; Burns 4-3501 to 4-3511; Baldwin 1288 to 1292, 1298, 1298-1, 1776, 1297-1, 1293, 1300.

commissioners (annually appointed by the judge) prepare lists of names from which the grand juries and petit juries are drawn.³⁷³

Formerly a jury was used in coroner's inquests, but such juries were abolished in 1879. Under the present system, coroners act in a nonjudicial capacity when holding inquests.³⁷⁴

LAW ENFORCEMENT

The constitution provides that all judicial officers shall be conservators of the peace in their respective jurisdiction,³⁷⁵ and that all criminal prosecutions shall be carried on in the name and by the authority of the state.³⁷⁶

Investigations of alleged violations of criminal laws are conducted by the prosecuting attorney,³⁷⁷ the sheriff,³⁷⁸ or the coroner,³⁷⁹ co-operating with one another and with state and federal bureaus of law enforcement;³⁸⁰ and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.³⁸¹

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.³⁸² The grand jury consists of six members,³⁸³ at least five of whom

³⁷³ Acts 1881 (Spec. Sess.), 1899; Burns 4-3301; Baldwin 1266. Acts 1881 (Spec. Sess.), 1939; Burns, 1939 suppl., 4-3304; Baldwin, 1939 suppl., 1267.

³⁷⁴ Acts 1807, ch. 8, secs. 2-10. Acts 1817-18 (general), ch. 20, secs. 1-9. Rev. Laws 1824, ch. 100, secs. 10-22. Rev. Stat. 1838, ch. 99 (1), secs. 1-23; ch. 99 (2), secs. 1-3. Rev. Stat. 1843, ch. 5, sec. 136; ch. 37, sec. 135; ch. 38, secs. 82-84; ch. 56, secs. 1-16. 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a. Acts 1879; Burns 49-2905; Baldwin 5444. *Stults v. Board of County Comrs.*, 168 Ind. 539, 81 N. E. 471.

³⁷⁵ Const. 1816, art. 5, sec. 5. Const., art. 7, sec. 15.

³⁷⁶ Const. 1816, art. 5, sec. 11. Const., art. 7, sec. 18.

³⁷⁷ 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459.

³⁷⁸ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

³⁷⁹ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904 Baldwin, 1935 suppl., 5439.

³⁸⁰ Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

³⁸¹ Acts 1905, 1927; Burns 9-806, 9-901, 9-908; Baldwin 2102, 2123, 2131.

³⁸² Acts 1905; Burns 9-826; Baldwin 2122.

³⁸³ Acts 1905; Burns 9-801; Baldwin 2097.

must concur in the finding of an indictment. When an indictment is found, it is endorsed by the foreman of the grand jury, "A true bill", and is also signed by the prosecuting attorney.³⁸⁴

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.³⁸⁵ He may also prosecute on affidavit all criminal offenses under the state laws, other than treason and murder.³⁸⁶

Actual enforcement of the criminal law in the county is entrusted to the sheriff and the coroner, both offices having existed in Warrick County since its organization in 1818.³⁸⁷ As law enforcement officers, they have identical powers and duties;³⁸⁸ in practice, however, the coroner performs few of these duties, except in the absence or incapacity of the sheriff. These officers make arrests in accordance with warrants issued by the circuit court or by the clerk of the circuit court, and based on indictments returned by the grand jury or affidavits filed with the court.³⁸⁹ Writs of arrest may also be issued by the coroner, when the results of an inquest indicate that a felony was committed.³⁹⁰ Arrest without warrant can be made for a felony, when the arresting officer has reliable information of the commission of the crime by the person arrested; and arrest without warrant can be made for a felony or misdemeanor committed within view of the arresting officer.³⁹¹ A warrant issued to the sheriff of the county in which the indictment was found or the affidavit was filed may be executed by him in any county in the state.³⁹²

In the constitution there are many provisions for the benefit of persons accused of crime. Justice must be administered freely, and without purchase; speedily, and without delay.³⁹³ The accused has the right to a public trial in

³⁸⁴ Acts 1905; Burns 9-901; Baldwin 2123.

³⁸⁵ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

³⁸⁶ Acts 1905, 1927; Burns 9-908; Baldwin 2131.

³⁸⁷ Const. 1816, art. 4, sec. 25. Const., art. 6, sec. 2. Acts 1807, ch. 4, sec. 1; ch. 8, sec. 1. Acts 1813, ch. 23, secs. 1, 2.

³⁸⁸ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

³⁸⁹ Acts 1881 (Spec. Sess.); Burns 3-302; Baldwin 725.

³⁹⁰ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

³⁹¹ Doering v. State (1874), 49 Ind. 56, 19 Am. Rep. 669; Hart v. State (1924), 195 Ind. 384, 145 N. E. 449.

³⁹² Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

³⁹³ Const., art. 1, sec. 12.

the county in which the offense was committed; the right to be heard by himself and counsel; the right to demand the nature and cause of the accusation against him, and to have a copy thereof; the right to meet the witnesses face to face; and the right to have compulsory process for obtaining witnesses in his favor.³⁹⁴ No person can be put in jeopardy twice for the same offense. In a criminal prosecution no person can be compelled to testify against himself.³⁹⁵ A person arrested or confined in jail must not be treated with unnecessary rigor.³⁹⁶ Excessive bail must not be required. Excessive fines must not be imposed. Cruel and unusual punishments must not be inflicted. All penalties must be proportioned to the nature of the offense.³⁹⁷ Offenses other than murder and treason are always bailable by sufficient sureties. Murder and treason are bailable unless the proof of guilt is evident or the presumption of guilt is strong.³⁹⁸ The penal laws of Indiana are founded on the principles of reformation, and not in vindictive justice.³⁹⁹ In all criminal cases the jury has the right to determine both the law and the facts.⁴⁰⁰ The privilege of the writ of habeas corpus (to obtain release from unlawful detention) cannot be suspended, except in case of rebellion or invasion; and then only if the public safety demands such suspension.⁴⁰¹ No conviction can work corruption of blood or forfeiture of estate.⁴⁰² The governor has power to grant reprieves, commutations, and pardons, and to remit fines and forfeitures.⁴⁰³

The county jail is maintained by the county,⁴⁰⁴ the sheriff being responsible for its management.⁴⁰⁵ Inspection or investigation is made by the grand jury at the beginning of each regular session,⁴⁰⁶ and by the board of commissioners every three months.⁴⁰⁷

³⁹⁴ *Ibid.*, sec. 13.

³⁹⁵ *Ibid.*, sec. 14.

³⁹⁶ *Ibid.*, sec. 15.

³⁹⁷ *Ibid.*, sec. 16.

³⁹⁸ *Ibid.*, sec. 17.

³⁹⁹ *Ibid.*, sec. 18.

⁴⁰⁰ *Ibid.*, sec. 19.

⁴⁰¹ *Ibid.*, sec. 27.

⁴⁰² *Ibid.*, sec. 30.

⁴⁰³ *Ibid.*, art. 5, sec. 17.

⁴⁰⁴ 1 Rev. Stat. 1852; Burns 13-1001; Baldwin 13448.

⁴⁰⁵ 1 Rev. Stat. 1852; Burns 13-1004; Baldwin 13453.

⁴⁰⁶ 1 Rev. Stat. 1852; Burns 13-1002; Baldwin 13449.

⁴⁰⁷ Acts 1909; Burns 13-1008; Baldwin 13460.

FINANCE

APPROPRIATIONS AND BUDGETS

The power of making appropriations of money to be paid out of the county treasury has been vested exclusively in the county council since 1899.⁴⁰⁸ Before 1899 the board of commissioners performed the duties now performed by the county council.⁴⁰⁹

No money can be drawn from the county treasury not in pursuance of appropriation therefor,⁴¹⁰ except in the following instances: (a) Money belonging to the state and commanded by law to be paid into the state treasury; (b) money belonging to any school fund; (c) money belonging to any fund of any township, town, or city, and commanded by law to be paid to such municipality; (d) money, due to any person, which has been paid into the county treasury pursuant to public improvement assessments on persons or property of the county in territory less than the whole county; (e) money, due to any person, which has been paid into the treasury for redemption from any tax or other sale; or money so due that has been paid in pursuant to authority of law as a tender or payment to such person; (f) taxes erroneously paid; (g) funds received from the state or federal governments for welfare assistance or public work projects;⁴¹¹ and (h) salaries fixed by law.⁴¹²

Before the Thursday following the first Monday in August each year, the various officials of the county (including courts, board of commissioners, and township trustees or assessors) submit to the auditor estimates of expenditures and probable revenue to be received from the state for the ensuing calendar year. The estimates are kept on file in the auditor's office, subject to inspection by any taxpayer of the county. The auditor publishes notice of the aggregate amount of each of such estimates, and prepares an ordinance making an appropriation by items for the ensuing calendar year for the various purposes for which all of the estimates are required. At the annual meeting of the county council on the first Tuesday after the first Monday in September, the auditor submits all

⁴⁰⁸ Acts 1899; Burns 26-515; Baldwin 5379.

⁴⁰⁹ 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16, 17, 18, 21, 22.

⁴¹⁰ Acts 1899; Burns 26-515; Baldwin 5379.

⁴¹¹ Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

⁴¹² Blue v. State ex rel. Powell (1936), 210 Ind. 486, 1 N. E. (2d) 122.

of the estimates to the county council and makes recommendations with reference thereto. The council, at that meeting, considers the estimates and the proposed ordinance, and makes such changes as deemed necessary. A three-fourths vote is required to make appropriation for any item not contained in any estimate or for a greater amount than that named in any item of any estimate. The ordinance making the appropriation for the ensuing year is adopted after being read on at least two separate days. This appropriation is called the annual county budget, and the estimates of expenditures are called budget estimates.⁴¹³

If an emergency arising after the adjournment of the annual meeting requires funds supplementary to those originally included in the annual budget, additional appropriations may be made in an ordinance passed by a two-thirds vote of all the members of the council at a special meeting, after estimates are prepared and submitted in the manner required for annual estimates. If the aggregate amount of the requested appropriation exceeds \$15,000, the ordinance must be read on two separate days before passage.⁴¹⁴ Such additional appropriations must be approved by the state board of tax commissioners.⁴¹⁵

When any item of appropriation remains unexpended at the end of the calendar year for which it was appropriated, the amount thereof reverts to the general fund of the county, and no warrant can be drawn thereon. However, time for with-

⁴¹³ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

Appropriations can be made only by the passage of ordinances. State ex rel. Davis v. Board of County Comrs. (1905), 165 Ind. 262, 74 N. E. 1091.

The statutory provision requiring an ordinance for an appropriation to be read on two separate days is mandatory, and on failure to comply therewith the ordinance is invalid. Van Der Veer v. State ex rel. Herron (1929), 97 Ind. App. 1, 165 N. E. 265.

⁴¹⁴ Acts 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

The council's determination of emergency is not conclusive on the courts. State ex rel. Kautz v. Board of County Comrs. (1933), 204 Ind. 484, 184 N. E. 780.

The words "emergency growing out of a flood, fire, pestilence, war, or other major disaster are used in Acts 1937; Burns, 1939 suppl., 64-312; Baldwin, 1937 suppl., 15897-6.

Provisions concerning poor relief and welfare services. Acts 1935; Burns, 1939 suppl., 52-174; Baldwin, 1935 suppl., 13320-31. Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1303; Baldwin, 1937 suppl., 14078-100.

⁴¹⁵ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

drawal is extended where payment was withheld during such year because of injunction which was later dissolved.⁴¹⁶ It is unlawful to overdraw the amount of any item of appropriation or to use the funds of any item for an unauthorized purpose.⁴¹⁷

No county official or court has power to bind the county by any contract, express or implied, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the obligation attempted to be incurred.⁴¹⁸

TAXATION

The power of taxation is inherent in the state, and is a legislative power limited only by the provisions of the constitution.⁴¹⁹ The constitution provides that "The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law."⁴²⁰ This section applies only to a general assessment on property according to its value, and does not apply to excise taxes.⁴²¹ Exemptions are discussed hereinafter.

In Indiana there are poll taxes, excise taxes, and property taxes. A poll tax is a tax assessed on the person. An excise tax is a tax on privileges, and includes taxes on occupations, inheritance, sale of gasoline, and the like. Laws imposing excise taxes are sometimes called "internal revenue laws." The property tax (also known as ad valorem

⁴¹⁶ Acts 1899, 1903, 1905; Burns 26-524; Baldwin 5388.

⁴¹⁷ Acts 1899; Burns 26-523; Baldwin 5387. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

⁴¹⁸ Acts 1899; Burns 26-525, 26-527; Baldwin 5389, 5391.

But lack of appropriation does not prevent entry of a judgment binding the county, where the court has jurisdiction of the parties and subject matter of the action. Acts 1899; Burns 26-527; Baldwin 5391. Board of County Comrs. v. McGregor (1909), 171 Ind. 634, 87 N. E. 1.

⁴¹⁹ State ex rel. Goodman v. Halter (1897), 149 Ind. 292, 47 N. E. 665; Dunn v. Indianapolis (1935), 208 Ind. 630, 196 N. E. 528; Miles v. Department of Treasury (1935), 209 Ind. 172, 199 N. E. 372.

⁴²⁰ Const., art. 10, sec. 1.

⁴²¹ State Bd. of Tax Comrs. v. Jackson (1931), 283 U. S. 527, 75 L. Ed. 1248, 51 Sup. Ct. 540; Miles v. Department of Treasury (1935), 209 Ind. 172, 199 N. E. 372; Davis v. Sexton (1936), 210 Ind. 138, 200 N. E. 233.

tax) is the tax on real and personal property based on value, and it constitutes the largest part of the county revenue. Property may be subject to an excise tax and also a property tax. Excise taxes administered by county officers are discussed hereinafter under the heading "Excise Taxes and Licensing."

In each township having a population not exceeding 5,000 (all townships except Boon), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.⁴²²

A poll tax is assessed on every male inhabitant of this state between the ages of 21 and 50 years, and every such person must be listed for his poll tax in the township, town, or city of his residence.⁴²³ Poll tax exemptions are allowed to volunteer firemen⁴²⁴ and former soldiers and sailors receiving service-connected disability compensation.⁴²⁵ Before 1919 the board of commissioners could grant poll tax exemptions because of inability to pay.⁴²⁶ The auditor certifies to the city officials the number of taxable polls therein,⁴²⁷ and adds omitted polls to the tax duplicate.⁴²⁸ Poll tax is collected by the county treasurer. A poll tax receipt must be presented to any licensing authority to obtain an occupation license required by state law, a motor vehicle operator's or chauffeur's license, a motor vehicle license, or a certificate of title for a motor vehicle.⁴²⁹

The property tax laws are administered by the township assessors, county assessor, auditor, treasurer, board of review, county council, and board of tax adjustment, under the

⁴²² Acts 1933; Burns 64-1031; Baldwin 15664.

⁴²³ Acts 1919; Burns 64-102; Baldwin 15515.

⁴²⁴ 1 Rev. Stat. 1852, ch. 41, sec. 3. Acts 1933, ch. 91, sec. 1. Acts 1935, ch. 302, sec. 1. Acts 1939; Burns, 1939 suppl., 48-6161; Baldwin, 1939 suppl., 12653-1.

⁴²⁵ Acts 1923; Burns 45-1210; Baldwin 10917. Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1937; Burns, 1939 suppl., 64-201, 64-220; Baldwin, 1937 suppl., 15518, 15515-1.

Before 1937 exemption was granted to all militiamen, soldiers, and sailors in active service. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-201; Baldwin 15518.

⁴²⁶ 1 Rev. Stat. 1852, ch. 20, sec. 30 (repealed by Acts 1919, ch. 59, sec. 2). *Opinions of the Attorney General of Indiana, 1936*, p. 83.

⁴²⁷ Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

⁴²⁸ Acts 1919; Burns 64-2102; Baldwin 15803.

⁴²⁹ Acts 1931; Burns 42-102 to 42-105; Baldwin 10499 to 10501, 10503.

supervision of the state board of tax commissioners. The state board prescribes rules and regulations and advises with the subordinate tax officials. It makes original assessments of certain classes of property of railroads, telephone companies, and other public utilities,⁴³⁰ and supervises and reviews assessments, appropriations, and levies of the subordinate tax officials.⁴³¹

The principal steps in property taxation, stated in their chronological order, are assessment, budget, levy, and collection. The assessment is the determination of what property is taxable and the value thereof. The budget is the appropriation of money for expenditures for the next calendar year. The levy is the charging of a certain amount of taxes against each \$100 of assessed valuation to raise the money required for the budget. The collection involves the voluntary payment and also proceedings to compel payment.

Assessment of real and personal property for county purposes also serves as the assessment for state, township, city, and town purposes.⁴³² Personal property is assessed each year as of the first day of March.⁴³³ Though real estate is not re-assessed every year (the old assessment remaining in effect

⁴³⁰ The state board of tax commissioners assesses property of the following companies: Railroad, telephone, express, telegraph, sleeping car, pipe line, car equipment (tank, refrigerator, freight), and "public utility" (heat, light, water, power, elevator, and warehouse service).

In case of railroads, the state board assesses the railroad track and the rolling stock. Local authorities assess personal property that has a fixed location and also real estate outside of the property denominated "railroad track."

The state board assesses the personal and intangible properties of the other specified companies. Their other property is assessed by local authorities.

Municipally owned utilities are assessed by the state board for state and county levies. Such utilities are not subject to township, school city, civil city, or other levies.

Car equipment companies pay a tax of two percent on their assessed value direct to the state department of treasury.

Except as to the car equipment companies, the assessment of the state board is certified to the county auditor who apportions it among the several townships, towns, and cities entitled to a levy thereon, and places such assessments on the tax duplicate; and thereafter the tax is collected by the county treasurer. Acts 1913, 1933; Burns 54-610 (d); Baldwin 14027 (d). Acts 1919, 1921, 1923, 1932 (Spec. Sess.); Burns 64-703 to 64-740; Baldwin 15617 to 15654.

⁴³¹ Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1925, 1927, 1931; Burns 64-1301 to 64-1338; Baldwin 15705 to 15737, 12490 to 12492, 12522, 12527. Acts 1935; Burns, 1939 suppl., 64-1313, 64-1321, 64-1324, 64-1325, 64-1331; Baldwin, 1935 suppl., 15717, 15725, 15728, 15729, 15735.

⁴³² Acts 1919; Burns 64-2814; Baldwin 15877.

⁴³³ Acts 1919; Burns 64-103, 64-401, 64-403; Baldwin 15516, 15524, 15526.

until changed), the lien for taxes thereon dates from March 1.⁴³⁴ All property, real and personal, is required to be assessed at the true cash value thereof.⁴³⁵ Since personal property and real property are assessed differently, they will be discussed separately, beginning with personal property.

Personal property must be listed for taxation between March 1 and May 15 each year, with reference to the quantity and quality owned on March 1.⁴³⁶ Each township assessor calls on the taxpayers and furnishes them with blanks for listing personal property. The taxpayer must list, under oath, all personal property held, possessed, or controlled by him, and state what he deems the true cash value of each item. Ordinarily the valuation of the taxpayer is accepted if it is in reason, but the assessor may fix a different valuation. If no list is given by the taxpayer or if the assessor doubts the correctness of the list, he may examine, under oath, the taxpayer and other persons concerning such property, and set down and assess to such person such amount of personal property as he may deem just.⁴³⁷ If the taxpayer refuses to make a return or oath required by law, the assessor makes a note of such refusal, and the auditor adds 50 percent to the valuation returned by the assessor.⁴³⁸

After giving notice to the taxpayer, omitted personal property may be assessed by the township assessor,⁴³⁹ county assessor,⁴⁴⁰ auditor,⁴⁴¹ treasurer,⁴⁴² or board of review;⁴⁴³ and appeal from such assessment may be taken to the circuit court, on the question of whether such omitted property is taxable.⁴⁴⁴

The county assessor advises and instructs all township

⁴³⁴ Acts 1919, 1920 (Spec. Sess.); Burns 64-2825; Baldwin 15886.

⁴³⁵ Acts 1919; Burns 64-103, 64-1009; Baldwin 15516, 15675. Acts 1937; Burns, 1939 suppl., 64-1019b; Baldwin, 1937 suppl., 15685-2.

⁴³⁶ Acts 1919; Burns 64-401; Baldwin 15524.

⁴³⁷ Acts 1919; Burns 64-601 to 64-604, 64-610; Baldwin 15569 to 15572, 15578.

⁴³⁸ Acts 1919; Burns 64-610; Baldwin 15578.

⁴³⁹ Acts 1919; Burns 64-1025; Baldwin 15692.

⁴⁴⁰ Acts 1919; Burns 64-1102; Baldwin 15698.

⁴⁴¹ Acts 1919; Burns 64-1402; Baldwin 15739.

⁴⁴² Acts 1919; Burns 64-2102; Baldwin 15803.

⁴⁴³ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁴⁴⁴ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

assessors in the county; and for this purpose visits each township assessor during March and April each year. The county assessor endeavors to cause uniformity and equality of assessment by the several township assessors. The county assessors and the township assessors may be removed by the state board of tax commissioners for incompetency or neglect of duty.⁴⁴⁵

The board of review, after giving two weeks' notice, meets on the first Monday in June each year. The board reviews the assessment of personal property, hears complaints of owners, reduces or increases valuations, equalizes valuations, corrects and completes the tax lists, and assesses omitted property. Notice must be given by the auditor to the owner before the board of review assesses omitted property or raises valuations.⁴⁴⁶ Any person dissatisfied with the decision of the board of review may appeal to the state board of tax commissioners. Hearings on such appeals are, when possible, held in the auditor's office in the county from which the appeal was taken. The amount fixed by the state board is the final assessment of such property.⁴⁴⁷

The county auditor, on or before March 1 each year, makes out and delivers to the township assessors lists of lands entered on the tax duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of land not previously entered for taxation.⁴⁴⁸

The auditor makes plats of the several townships showing ownership, improvements, and assessed valuation of the parcels of real estate therein. The township assessors write on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current transactions and transfers.⁴⁴⁹ For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deeds or partition, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered.⁴⁵⁰ On the death of a landowner, the heir or

⁴⁴⁵ Acts 1919, 1921; Burns 64-1001, 64-1102; Baldwin 15666, 15698.

⁴⁴⁶ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁴⁴⁷ Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

⁴⁴⁸ Acts 1919, 1937; Burns, 1939 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

⁴⁴⁹ *Ibid.*

⁴⁵⁰ Acts 1919; Burns 64-1409; Baldwin 15746.

devisee may have the auditor make an entry on the tax duplicate to show the change of ownership.⁴⁵¹

Each township assessor is required to call on every person residing in his township for a list of lands owned by such person in such township subject to taxation. If such person fails to furnish such list within five days after being called on, as notified to do, the assessor may make the list according to the best information he can obtain, and the auditor must add 25 percent to the valuation of such lands as returned by the assessor.⁴⁵²

Each township assessor must, on or before the first Monday in June in each year, make out and deliver to the auditor, in a book furnished by the auditor, a return of the real estate listed containing the names of property owners, description, and value of each parcel as determined by the assessor from actual view.⁴⁵³

Re-assessment of real estate can be made only when authorized by the state board of tax commissioners.⁴⁵⁴ The last general re-assessment of real estate in Indiana was made in 1932.⁴⁵⁵

Each person charged with making assessment valuations of real estate for taxation is charged with the duty of correcting on the books, errors as to description of property and name of owner. A notation is made showing any change of ownership since the last assessment. Each township assessor, after giving notice to the occupant of the land or the resident of the county claiming ownership, each year assesses any real estate or improvements found omitted, and makes a return thereof to the auditor as of the year when the same should have been first assessed.⁴⁵⁶ The county assessor,⁴⁵⁷ auditor,⁴⁵⁸ treasurer,⁴⁵⁹ and board of review⁴⁶⁰ also have

⁴⁵¹ Acts 1921; Burns 64-519; Baldwin 14777.

⁴⁵² Acts 1919; Burns 64-1008; Baldwin 15674.

⁴⁵³ Acts 1919; Burns 64-1016; Baldwin 15682.

⁴⁵⁴ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685.

⁴⁵⁵ Interview of May 18, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

⁴⁵⁶ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

⁴⁵⁷ Acts 1919; Burns 64-1102; Baldwin 15698.

⁴⁵⁸ Acts 1919; Burns 64-1402; Baldwin 15739.

⁴⁵⁹ Acts 1919; Burns 64-2102; Baldwin 15803.

⁴⁶⁰ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

power to assess omitted real property after giving notice. The auditor makes assessment of any newly platted additions to any city or town.⁴⁶¹ The assessments of omitted real property by the township assessors, county assessor, auditor, and treasurer may be reviewed and revised at the next meeting of the board of review.⁴⁶² The decision of the board of review in reviewing such assessment or in making an original assessment of omitted real property may be reviewed by the state board of tax commissioners in the manner provided for review of decisions concerning personal property, discussed above.⁴⁶³ From any assessment of omitted real property, appeal may be taken to the circuit court on the question of such property's taxability.⁴⁶⁴

In case of flood, fire, or other disaster in which a substantial amount of property in any township has been partially or totally destroyed, the state board of tax commissioners must order a survey, determine the locality in which the property has been partially or totally destroyed, and order re-assessment of all or part of the property in such township.⁴⁶⁵

The state board, after March 31 of a year in which a general election is not held, may, without petition of taxpayers, order a hearing on the necessity of re-assessment for the whole state or for any of the counties or townships thereof. A hearing is held, after notice thereof, in each county in which the affected property is located. The board may then order re-assessment.⁴⁶⁶

Any person may, before March 31 in any year, file with the state board of tax commissioners a petition for re-assessment of his real estate. At the hearing, the petitioner must show cause for re-assessment. Other taxpayers may be heard in opposition. The board may then order the requested

⁴⁶¹ Acts 1919; Burns 64-1027; Baldwin 15691.

⁴⁶² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

⁴⁶³ Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

⁴⁶⁴ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

⁴⁶⁵ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(c); Baldwin, 1937 suppl., 15685(c).

⁴⁶⁶ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(b); Baldwin, 1937 suppl., 15685(b).

re-assessment. This is the only method for obtaining re-assessment of particular real estate.⁴⁶⁷

A petition for re-assessment of all real estate in a township, signed by the necessary percentage—it varies in different townships—of the resident owners of taxable real estate of such township and bearing a certificate of the auditor as to the required number of signers, may be filed with the state board of tax commissioners before March 31, in any year in which there is no general election of state, county, or township officials. If it appears to the board that the petition is in proper order and that the present valuation is inequitable, the board will order re-assessment of all or part of the real estate in the township.⁴⁶⁸

Within 10 days after the valuation of real or personal property is determined by the board of review or state board of tax commissioners, the owner may appeal to the circuit court on questions of law concerning such valuation.⁴⁶⁹

There are a great many statutory provisions concerning exemptions from property taxes, and space will permit only a brief discussion thereof. The following property is exempt from property taxes: Property of the United States and the State of Indiana; property of any county, city, town, or township—except municipally owned utilities; lands granted for use of common schools; real and personal property (including dormitories) actually used by schools and colleges; property used (or devised to be used) exclusively for educational, literary, scientific, religious, or charitable purposes; property of agricultural associations, cemetery associations, and soldiers' and sailors' memorial associations; property of the American Legion, Young Men's Christian Association, and Knights of Columbus, and similar associations; property of fraternal beneficiary associations, college fraternities, and college sororities; historical sites maintained for nonprofit public exhibition; property used exclusively for the purpose of a public library; property owned and used exclusively by the Indiana National Guard or other military organization for armory purposes; bonds and notes issued by any municipality or taxing district of the state for certain purposes; and

⁴⁶⁷ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(d); Baldwin, 1937 suppl., 15685(d).

⁴⁶⁸ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685(a).

⁴⁶⁹ Acts 1927; Burns 64-1020; Baldwin 15686.

certain annuities payable by religious or charitable organizations.⁴⁷⁰ To obtain such exemptions, sworn statements must be filed with the auditor on or before the first day of March each year.⁴⁷¹

Any Indiana resident owning real estate subject to mortgage may have the amount of the mortgage, not exceeding \$1,000 and not exceeding one-half of the assessed valuation, existing and unpaid on the first day of March, deducted from the assessed valuation for that year, by filing with the auditor between the first day of March and the first Monday in May a sworn statement in the form required by law.⁴⁷²

The county auditor, not later than September 1 each year, apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.⁴⁷³

The county council, at its annual meeting in August, adopts a budget, establishes the tax rate, and makes tax levies for the succeeding calendar year. The auditor then schedules the rates for the several municipal corporations in the county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.⁴⁷⁴

Appeal from the action of the county council may be taken to the state board of tax commissioners. That board, after hearing the objections, may affirm or decrease the total tax levy or any item thereof. The decision of the board, which is final and conclusive "with respect to said levies and such parts thereof as may have been in question", is certified to the auditor, and the auditor certifies it to the taxing units interested therein. When the state board orders a reduction in the levy, it indicates the items in the budget affected by

⁴⁷⁰ Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1937; Burns, 1939 suppl., 64-201; Baldwin, 1937 suppl., 15518.

⁴⁷¹ Acts 1937; Burns, 1939 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

⁴⁷² Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567.

Under the 1919 act, the owner was not required to be a resident of Indiana in order to obtain a mortgage exemption. Acts 1919; Burns 64-209; Baldwin 15565.

⁴⁷³ Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

⁴⁷⁴ Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

such reduction; and this limits the expenditures for the year, except in cases of extraordinary emergency.⁴⁷⁵

The laws discussed in the next four paragraphs do not apply to levies and rates to meet: (a) Funding, refunding, or judgment funding obligations; (b) "outstanding obligations"; (c) judgments; (d) obligations issued to meet emergency growing out of flood, fire, pestilence, war, or other major disaster; (e) obligations issued on petition under this act; (f) requirements of the county welfare fund for public welfare services. It is the duty of the county council to levy an amount sufficient to meet such purposes, regardless of any statutory provisions to the contrary.⁴⁷⁶

Except on authorization of the state board of tax commissioners, the total tax rate for all purposes cannot exceed \$1.25 on each \$100 of taxable property outside incorporated cities and towns or \$2 on each \$100 of taxable property inside incorporated cities and towns.⁴⁷⁷

At least two days before the second Monday in September, each municipal corporation⁴⁷⁸ of the county files with the county auditor a statement of the tax levies and rates for the ensuing year, fixed by such municipal corporation, and at least two copies of the budgets on which such levies are based.⁴⁷⁹ The board of tax adjustment meets on the second Monday of September each year. At the meeting, the auditor lays before the board the said budgets, tax levies, and rates.⁴⁸⁰ It is the duty of the board of tax adjustment to examine, revise, change, or reduce (but not increase) any budget, tax levy, or rate, and to hold such budget within the total amount of revenue to be raised therefor from any source whatever. Any changes in budgets must be with respect to the total amounts budgeted for each office, and not the detailed items included in such budgeted classifications. While the board of tax adjustment endeavors to keep the rates within the limits above stated, if it decides that such rates are inadequate, it cer-

⁴⁷⁵ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

⁴⁷⁶ Acts 1937; Burns, 1939 suppl., 64-312, 64-313; Baldwin, 1937 suppl., 15897-6, 15897-7.

⁴⁷⁷ Acts 1937; Burns, 1939 suppl., 64-309; Baldwin, 1937 suppl., 15897-3.

⁴⁷⁸ The term "municipal corporation" includes counties, townships, cities, towns, school districts, and all taxing units within the state. Acts 1933; Burns 64-302; Baldwin 15893.

⁴⁷⁹ Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

⁴⁸⁰ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

tifies to the state board of tax commissioners its analysis and recommendations together with such data and facts as may be deemed essential to review. The state board then reviews the budgets and proceeds according to the provisions governing appeals, and may authorize rates beyond said limits.⁴⁸¹

If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the levies and rates to the said limits, then the auditor calculates and fixes the rates, so that the total tax rate on property within any municipal corporation does not exceed said limits, and certifies his action to each municipal corporation before October 6. Before October 16, appeal to the state board of tax commissioners may be taken by the municipal corporation or by 10 or more taxpayers. On the hearing of such appeals, the state board "may revise, change, or increase" the levy and rate in respect to total amounts budgeted by each office or department, and not as to detailed items. The levy and rate must be kept within the limit originally fixed by the municipal corporation. The state board certifies its decision to the county auditor before December 1, if possible. The budget, levy, and rate thereby fixed are final.⁴⁸²

After the budget, levy, and rate for each municipal corporation have been finally fixed and determined, as aforesaid, the appropriating body of each municipal corporation allocates the funds to be derived from such levy in such manner that the expenditures for the ensuing year will remain within the limitations as finally fixed in the manner stated in the two preceding paragraphs.⁴⁸³

If the county council determines that an emergency exists requiring expenditures for the current year not authorized by the budget as originally established, or as modified by the state board of tax commissioners, the council may make an additional appropriation and levy. The auditor then certifies the matter to the state board, and its decision thereon is final and conclusive.⁴⁸⁴

The auditor, between the first Monday in July and the last day of December, makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate.

⁴⁸¹ Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

⁴⁸² Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

⁴⁸³ Acts 1937; Burns, 1939 suppl., 64-315; Baldwin, 1937 suppl., 15897-9.

⁴⁸⁴ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

This contains several columns, and shows the names of taxpayers in alphabetical order, lands and improvements, mortgage deductions, corporate stock, personal property, valuations, poll tax, assessments of omitted property, land transfers since the last assessment, and all alterations in the assessment lists made by the board of review or the state board of tax commissioners. He numbers each township, city, and town in regular progression. On or before January 1 the county auditor delivers to the auditor of state a complete abstract of all property listed in each township, city, and town, showing valuations, mortgage deductions, number of polls, the amount of each kind of tax, the aggregate thereof in the county, and the rate of each kind assessed. A copy of the abstract is delivered to the treasurer, and another copy is kept by the county auditor.⁴⁸⁵

Property taxes for state, county, township, city, and town purposes are payable to the county treasurer in two equal installments on or before the first Monday in May and the first Monday in November, respectively, in the year following the year for which the property was assessed. If any installment is not paid when it becomes due, such installment becomes delinquent, and a penalty of eight percent of such installment is added.⁴⁸⁶

It is the duty of the county treasurer to collect all such property taxes after they become delinquent. He may levy on personal property at any time after the tax becomes delinquent, or before delinquency if he has good reason to believe the taxpayer is about to leave the county without payment, and sell the same after 10 days' notice of the time and place of sale. Suit in the name of the treasurer may be brought by the prosecuting attorney to collect taxes. Real estate may be sold at a tax sale, on the second Monday in April, after advertisement, but not until 15 months have elapsed since delinquency.⁴⁸⁷ The owner or occupant of any land sold for taxes, or any other person having an interest therein, may redeem the same at any time within two years after the sale. The redeemer must pay to the treasurer the amount paid by the purchaser (as shown

⁴⁸⁵ Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

⁴⁸⁶ Acts 1919; Burns 64-1502; Baldwin 15748. Acts 1932 (Spec. Sess.); Burns 64-1508; Baldwin 15751. Acts 1935; Burns, 1939 suppl., 64-1542; Baldwin, 1935 suppl., 15765-1.

⁴⁸⁷ Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

in the tax sale certificate), plus the cost of sale, plus a percentage of the purchase price and cost of sale (10 percent if redeemed within six months after the sale, 15 percent if redeemed six months to one year after the sale, or 25 percent if redeemed one to two years after the sale), plus any subsequent taxes paid by the certificate holder, plus interest on such subsequent taxes at the rate of six percent per annum. The money so paid to the treasurer is paid by him to the holder of the redeemed tax certificate.⁴⁸⁸

EXCISE TAXES AND LICENSING

The tax on financial institutions is an excise tax⁴⁸⁹ (in lieu of all other taxes) on banks, trust companies, and building and loan associations. It is administered by the county auditor and county treasurer under the supervision of the state board of tax commissioners.⁴⁹⁰

The inheritance tax is an excise tax administered by the county assessor and the county treasurer, under the supervision of the state board of tax commissioners, and by the circuit court. A schedule must be filed with the court within 12 months after the death of the decedent. Notice is given to the interested parties, the estate is appraised, and the court determines the amount of tax due. The court appoints the county assessor to act as the appraiser in every estate; and he appraises all property at the fair market value, as of the date of the transfer.⁴⁹¹ The appraiser makes his report in duplicate, one copy to the court and one copy to the state board of tax commissioners.⁴⁹² The treasurer collects the tax and issues a receipt in duplicate, one copy of which is sent to the state board; and no final accounting of an estate is made until such receipt is countersigned by that board.⁴⁹³ The county treasurer must report quarterly to the auditor of state all inheritance taxes received by him. All such collected taxes are transmitted by the county treasurer, through a warrant issued

⁴⁸⁸ Acts 1919; Burns 64-2301; Baldwin 15819.

Infants, idiots, and insane persons may redeem their lands within two years after expiration of disability. Acts 1919; Burns 64-2302; Baldwin 15820.

⁴⁸⁹ Lutz v. Arnold (1935), 208 Ind. 480, 193 N. E. 840.

⁴⁹⁰ Acts 1933; Burns 64-801 to 64-834; Baldwin 15582 to 15615.

⁴⁹¹ Acts 1931, 1933; Burns 6-2408; Baldwin 15946. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

⁴⁹² Acts 1931; Burns 6-2410; Baldwin 15948.

⁴⁹³ Acts 1931; Burns 6-2413; Baldwin 15951.

by the county auditor, to the treasurer of state.⁴⁹⁴ When directed by the court to do so, the prosecuting attorney sues to collect the tax.⁴⁹⁵

The intangible tax (excise tax)⁴⁹⁶ is a stamp tax on notes, stocks, bonds, and other evidences of property interests or obligations for payment of money. This tax is administered by the county assessor⁴⁹⁷ and the county treasurer, under the supervision of the state board of tax commissioners. Stamps are issued by the state board and sold by the county treasurer.⁴⁹⁸ The taxpayer is required to file with his tangible personal property schedule an affidavit showing that he has complied with the intangible tax law.⁴⁹⁹ If the tax is not paid when due, it is entered on the tax duplicate of the county where the taxpayer resides or his property is located. Omitted property may be assessed by any officer of the county having authority under the general taxing laws to assess omitted property or by the state board of tax commissioners.⁵⁰⁰ In case of nonpayment, suit for collection may be brought by the prosecuting attorney or the attorney general.⁵⁰¹

The excise tax on dogs and dog kennels is administered by the township assessors and the county auditor. After making assessment of personal property for property taxes, each township assessor makes inquiry concerning dogs and kennels, and collects the excise tax thereon for the ensuing year, and issues licenses and receipts. The county auditor collects the tax and issues licenses and receipts if the township assessor fails to do so.⁵⁰² The money so collected constitutes a fund known as the "dog fund", and is used to pay for damage to livestock caused by dogs. Dog funds exceeding \$100, over and above all warrants drawn on the same, in any township on the first Monday in March are transferred on the following Monday to townships in which the dog fund is less than the warrants drawn thereon.⁵⁰³

⁴⁹⁴ Acts 1931; Burns 6-2414; Baldwin 15952.

⁴⁹⁵ Acts 1931; Burns 6-2415; Baldwin 15953.

⁴⁹⁶ Lutz v. Arnold (1935), 208 Ind. 480, 193 N. E. 840.

⁴⁹⁷ Acts 1933; Burns 64-917; Baldwin 15915. Acts 1933, 1935; Burns, 1939 suppl., 64-906;

Baldwin, 1935 suppl., 15904.

⁴⁹⁸ Acts 1933; Burns 64-924, 64-927; Baldwin 15922, 15925.

⁴⁹⁹ Acts 1933; Burns 64-918; Baldwin 15916.

⁵⁰⁰ Acts 1933, 1935; Burns, 1939 suppl., 64-915; Baldwin, 1935 suppl., 15913.

⁵⁰¹ Acts 1933; Burns 64-921; Baldwin 15919.

⁵⁰² Acts 1937; Burns, 1939 suppl., 16-317; Baldwin, 1937 suppl., 3811-1.

⁵⁰³ Acts 1937; Burns, 1939 suppl., 16-324 to 16-326; Baldwin, 1937 suppl., 3811-8 to 3811-10.

The clerk of the circuit court issues licenses for marriages,⁵⁰⁴ physicians, surgeons,⁵⁰⁵ midwives,⁵⁰⁶ osteopaths,⁵⁰⁷ chiropractors, drugless healers,⁵⁰⁸ dentists,⁵⁰⁹ optometrists,⁵¹⁰ hunting, trapping, fishing,⁵¹¹ poultry dealers,⁵¹² and junk dealers.⁵¹³ He registers certificates of trained nurses.⁵¹⁴ Formerly he issued liquor licenses,⁵¹⁵ brokers' licenses,⁵¹⁶ firearms permits,⁵¹⁷ licenses for veterinarians,⁵¹⁸ stallions,⁵¹⁹ and petty money lenders,⁵²⁰ and kept a register of certificates of agents of foreign insurance companies.⁵²¹

⁵⁰⁴ Rev. Stat. 1838, ch. 68, sec. 3. Rev. Stat. 1843, ch. 35, secs. 8, 9, 12. 1 Rev. Stat. 1852; Burns 44-201; Baldwin 5622.

⁵⁰⁵ Acts 1881, ch. 19, secs. 10, 11. Acts 1885 (Spec. Sess.), ch. 77, sec. 2 (repealed by Acts 1897, ch. 169, sec. 10). Acts 1897; Burns 63-1303; Baldwin 10705.

⁵⁰⁶ Acts 1897; Burns 63-1309; Baldwin 10709.

⁵⁰⁷ Acts 1901; Burns 63-1316; Baldwin 10716.

⁵⁰⁸ Acts 1927; Burns 63-1312; Baldwin 10713.

⁵⁰⁹ Acts 1899, ch. 211, secs. 5, 7 to 11. Acts 1913, 1931, 1935; Burns, 1939 suppl., 63-504; Baldwin, 1935 suppl., 5589. Acts 1913, 1931; Burns 63-506, 63-507; Baldwin 5591, 5592.

⁵¹⁰ Acts 1907; Burns 63-1009; Baldwin 13180. Acts 1907, 1935; Burns, 1939 suppl., 63-1010, 63-1011; Baldwin, 1935 suppl., 13181, 13182.

⁵¹¹ Acts 1901, ch. 203, sec. 13. Acts 1907, ch. 216, sec. 9. Acts 1911, ch. 286, secs. 1, 2. Acts 1927, 1933; Burns 11-302, 11-310; Baldwin 8302, 8309. Acts 1937; Burns, 1939 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

The cited sections of the Acts of 1901, 1911, 1927, and 1933 were repealed by Acts 1937, ch. 21, sec. 161.

⁵¹² Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

⁵¹³ Acts 1905; Burns 42-703; Baldwin 10462.

⁵¹⁴ Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

⁵¹⁵ This duty existed from the organization of the county until 1841 and from 1917 to 1933. Acts 1807, ch. 17, secs. 1, 4. Acts 1813, ch. 3, sec. 2. Acts 1816-17, ch. 15, sec. 6. Acts 1817-18 (general), ch. 47, secs. 1, 2. Acts 1820-21, ch. 36, secs. 1, 2. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Rev. Stat. 1838, ch. 21, sec. 6; ch. 105, secs. 1-10. Acts 1840-41 (general), ch. 2, secs. 8, 54. Acts 1917, ch. 4, secs. 6, 7, 12. Acts 1925, ch. 48, secs. 10, 11. Acts 1933, ch. 79, sec. 1.

⁵¹⁶ Acts 1840-41 (general), ch. 5, sec. 18.

⁵¹⁷ Acts 1913, ch. 167, sec. 1 (repealed by Acts 1917, ch. 125, sec. 6). Acts 1925, 1929; Burns 10-4721, 10-4723, 10-4725; Baldwin 2557, 2559, 2561 (all repealed by Acts 1935, ch. 63, sec. 21).

⁵¹⁸ Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 98, sec. 17).

⁵¹⁹ Acts 1889, ch. 116, sec. 1 (superseded by Acts 1913, ch. 28, creating the stallion enrollment board).

⁵²⁰ Acts 1913, ch. 167, secs. 1 to 4 (repealed by Acts 1917, ch. 125, sec. 6).

⁵²¹ Acts 1901, ch. 180, sec. 1 (repealed by Acts 1935, ch. 162, sec. 276). Acts 1903, ch. 66, sec. 1 (repealed by Acts 1935, ch. 162, sec. 276). Acts 1865, 1877, 1899; Burns 39-1701; Baldwin 9567 (repealed by Acts 1935, ch. 162, sec. 276).

The county auditor issues licenses for peddlers, shows, theaters,⁵²² transient merchants,⁵²³ public warehouses,⁵²⁴ and ferries.⁵²⁵ He issued liquor licenses before 1917.⁵²⁶ The board of commissioners authorizes the issuance of ferry licenses,⁵²⁷ and before 1917 authorized the issuance of liquor licenses.⁵²⁸

FEEES

The laws provide for the charging of fees by various county officials. Salaried officials cannot disburse their fees for office expense, or retain the fees or interest thereon

⁵²² Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443. 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1901; Burns 42-502, 42-503; Baldwin 10470-1, 10471. Acts 1895; Burns 42-510; Baldwin 10478.

⁵²³ Acts 1901; Burns 42-402; Baldwin 10491.

The auditor keeps a record of such licenses in a book provided for that purpose, and it is open for public inspection. *Id.*

⁵²⁴ Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 1606.

⁵²⁵ Rev. Stat. 1838, ch. 41, secs. 1-4, 8, 11. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53; ch. 17, secs. 1-23. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418. Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2501 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

⁵²⁶ Rev. Stat. 1838, ch. 105, secs. 1-10. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 59, sec. 15. 1 Rev. Stat. 1852, ch. 8, sec. 3; ch. 20, secs. 7, 14; ch. 92, sec. 1. Acts 1853, ch. 66, secs. 1-4. Acts 1855, ch. 105, secs. 4-8; ch. 106, secs. 1, 2. Acts 1858 (Spec. Sess.), ch. 15. Acts 1859, ch. 130, secs. 1-7. Acts 1873, ch. 59, secs. 1-5, 20. Acts 1875 (Spec. Sess.), ch. 13, secs. 1-9, 21. Acts 1905, ch. 6, sec. 1. Acts 1895, ch. 127, secs. 1, 8-10. Acts 1897, ch. 167, secs. 1-3. Acts 1905, ch. 6, sec. 1. Acts 1911, ch. 119, secs. 3-8, 16, 28; ch. 148, secs. 1, 2, 7-9, 11. Acts 1915, ch. 10, sec. 1. Acts 1917, ch. 4, secs. 4, 40.

⁵²⁷ Acts 1807, ch. 33, (misnumbered 31), secs. 1, 6; ch. 51, sec. 14. Acts 1816-17, ch. 29, sec. 2. Rev. Stat. 1838, ch. 41, secs. 1-4, 8, 11. Rev. Stat. 1843, ch. 17, secs. 1-23. Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

⁵²⁸ Acts 1807, ch. 17, secs. 1, 4. Acts 1813, ch. 3, sec. 2. Acts 1817-18 (general), ch. 47, secs. 1, 2. Rev. Stat. 1838, ch. 105, secs. 1-10. Rev. Stat. 1843, ch. 59, sec. 15. 1 Rev. Stat. 1852, ch. 92, sec. 1. Acts 1853, ch. 66, sec. 8. Acts 1855, ch. 105, secs. 4-8; ch. 106, sec. 4. Acts 1858 (Spec. Sess.), ch. 15. Acts 1859, ch. 130, secs. 1-7. Acts 1873, ch. 59, secs. 1-5, 20. Acts 1875 (Spec. Sess.), ch. 13, secs. 1-9, 21. Acts 1905, ch. 6, sec. 1. Acts 1895, ch. 127, secs. 1, 8-10. Acts 1897, ch. 167, secs. 1-3. Acts 1905, ch. 6, sec. 1. Acts 1911, ch. 119, secs. 3-8, 16, 28; ch. 148, secs. 1, 2, 7-9, 11. Acts 1915, ch. 10, sec. 1. Acts 1917, ch. 4, secs. 4, 40.

as compensation, unless a statute specifically authorizes them to do so. Such fees must be paid into the county treasury. The officer cannot draw any salary while illegally withholding fees.⁵²⁹

County officials may charge and collect only such fees as are allowed by statute.⁵³⁰ If an officer collects illegal fees, the county cannot recover them from such officer, since they belong to the person paying the same.⁵³¹ If the officer unlawfully refuses to pay over fees collected by him, an action lies on his bond;⁵³² and if he pays over fees which he is entitled to retain, he may sue to recover the same.⁵³³

All officers are required to keep complete records of all fees received from any source whatever. Such records are subject to public inspection at any time, and must be examined by the board of commissioners at their meetings.⁵³⁴

The clerk of the circuit court, treasurer, sheriff, and recorder must make reports of fees to the auditor quarterly and at the expiration of their terms of office. The treasurer also makes a monthly report of fees to the auditor.⁵³⁵ The clerk of the circuit court annually delivers to the auditor a list of all fines and jury fees collected during the preceding year, and also a list of all fees in his hands which have remained unclaimed for two years. The auditor enters such lists in the order book (commonly called the "Commissioners' Record") of the board of commissioners and issues a quietus for the items of such lists which have been paid over to the county treasurer.⁵³⁶

⁵²⁹ Acts 1933; Burns 49-1001, 49-1005; Baldwin 7531, 7535. Acts 1895; Burns 49-1410; Baldwin 7585. Keifer v. Summers (1894), 137 Ind. 106, 35 N. E. 1103; Applegate v. State ex rel. Pettijohn (1933), 205 Ind. 122, 185 N. E. 911; Board of County Comrs. v. Lewis (1924), 81 Ind. App. 601, 144 N. E. 623.

⁵³⁰ Noble v. Board of County Comrs. (1885), 101 Ind. 127; Legler v. Paine (1896), 147 Ind. 181, 45 N. E. 604.

⁵³¹ State ex rel. Board of County Comrs. v. Williams (1906), 39 Ind. App. 376, 77 N. E. 1137.

⁵³² Acts 1883; Burns 49-142; Baldwin 13094. Workman v. State ex rel. Board of County Comrs. (1905), 165 Ind. 42, 73 N. E. 917.

⁵³³ Board of County Comrs. v. Crone (1905), 36 Ind. App. 283, 75 N. E. 826.

⁵³⁴ Acts 1895; Burns 49-1401, 49-1409; Baldwin 7576, 7584. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443. Acts 1909; Burns 60-213; Baldwin 13864.

⁵³⁵ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. Acts 1919; Burns 64-2101; Baldwin 15802.

⁵³⁶ Acts 1841-42 (general), ch. 45, sec. 3. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

FUNDS RECEIVED FROM THE STATE

The counties receive from the state a portion of the funds in the motor vehicle highway account of the state. This account is composed of excise taxes on motor vehicle fuel, motor vehicles, operators, and chauffeurs.⁵³⁷ The portion allotted to the counties is distributed on the basis of vehicular miles of county roads in each county as compared with the total in all of the counties. The 1937 law recites that there are 28,795 miles in Warrick County and 4,536,856 miles in all of the counties, but provision is made for a recount made by the state highway commission and a change in allocation based thereon.⁵³⁸ Such funds are used by the county for construction and maintenance of county roads; and 20 percent of such may be used to pay off outstanding county unit road bonds.⁵³⁹

The counties receive from the state a portion of the license fees on liquor dealers. Distribution among the counties is based on the amount paid in for licenses with respect to dealers' premises located outside cities and towns in each county, as compared with the total for such areas in all counties.⁵⁴⁰

The counties receive a portion of the intangible tax. Distribution among the counties is on a basis of assessed valuation of the real property in each county, as compared to the total in all counties. One-fourth of the amount received by the county goes into the general fund of the county, and the remainder goes to the school funds of the township, city, and town taxing units on a basis of valuation of the real property in each.⁵⁴¹

Each county receives from the state, as reimbursement, about 81 percent of the money spent by the county for welfare assistance.⁵⁴²

Distribution of the income from the common school fund surplus by the state to the several counties for school purposes is on the basis of average daily attendance of children in

⁵³⁷ Acts 1937; Burns, 1939 suppl., 36-2801; Baldwin, 1937 suppl., 8695-1.

⁵³⁸ Acts 1937; Burns, 1939 suppl., 36-2808; Baldwin, 1937 suppl., 8695-8.

⁵³⁹ Acts 1937, 1939; Burns, 1939 suppl., 36-2804 to 36-2806; Baldwin, 1939 suppl., 8695-4; Baldwin 1937 suppl., 8695-5, 8695-6.

⁵⁴⁰ Acts 1935, 1937, 1939; Burns, 1939 suppl., 12-505, 12-811; Baldwin, 1939 suppl., 3764-7, 3764-40(f).

⁵⁴¹ Acts 1933; Burns 64-922; Baldwin 15920

⁵⁴² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1405, 52-1412; Baldwin, 1937 suppl., 14078-117, 14078-124. This percentage was stated by auditor of state in an interview on March 31, 1939.

grades one to twelve in the schools of the respective counties.⁵⁴³ School funds are discussed hereinafter under the heading "Education."

CLAIMS AND ALLOWANCES

Claims against the county, duly itemized and verified, in writing on forms furnished by the board of commissioners, may be filed with the auditor, who places them on the claim docket and thereafter presents them to the board for decision. At a regular or special session of the board of commissioners, beginning at least five days after the docketing of the claim and three days after publication of the notice by the auditor, the commissioners must examine the merits of the claim and may, in their discretion, allow it, in whole or in part, as they find it to be just and owing.⁵⁴⁴ The board cannot allow a claim that it previously disallowed.⁵⁴⁵

A claim for materials and supplies will not be allowed unless accompanied by a certificate of the auditor showing that the goods mentioned in the claim correspond in quality and prices with the contract.⁵⁴⁶ A claim on a contract for work to be conducted under the supervision of the county surveyor, or any architect, engineer, superintendent, or inspector appointed by the board of commissioners, must be accompanied by a certificate of the surveyor or such agent, showing that the work therein mentioned was performed according to contract and that the amount claimed is due and owing by the terms of the contract.⁵⁴⁷ A claim based on a judgment or order of a court must be accompanied by a certified copy of such judgment or order.⁵⁴⁸

For the amount allowed by the board of commissioners, the auditor, after appropriation by the county council, issues a warrant which is countersigned by the treasurer and paid by the treasurer or a public depository designated thereon by him.⁵⁴⁹ An allowance not called for within five years

⁵⁴³ Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

⁵⁴⁴ Acts 1899; Burns 26-538, 26804; Baldwin 5403, 5256. Acts 1879 (Spec. Sess.); Burns 26-805, 26-807; Baldwin 5256. Acts 1897; Burns 26-806, 26-809; Baldwin 5260, 5257. Acts 1931; Burns 26-816 to 26-819; Baldwin 5268 to 5271.

⁵⁴⁵ Myers v. Gibson (1899), 152 Ind. 500, 53 N. E. 646.

⁵⁴⁶ Acts 1899; Burns 26-538; Baldwin 5403.

⁵⁴⁷ Acts 1899; Burns 26-539; Baldwin 504.

⁵⁴⁸ Acts 1911; Burns 26-814; Baldwin 5225.

⁵⁴⁹ Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

may be cancelled.⁵⁵⁰ Preference in payment is given to claims for money advanced by any county officer for the use of the county pursuant to provisions of law or of any order of the board.⁵⁵¹ However, no allowance can be made by the board of commissioners to one of its members for articles furnished by him to the county under a contract or otherwise.⁵⁵²

Any person feeling aggrieved by any decision of the board on any claim may appeal to the circuit court. In case of disallowance in whole or in part, the claimant may appeal as aforesaid or bring an independent suit against the board. The claimant must pay the costs of the appeal if he does not recover more on the appeal than was allowed by the board.⁵⁵³ No complaint other than the claim (including certificates and exhibits, if any) presented to the board is required on appeal.⁵⁵⁴ If the board allows only a part of the claim, and the claimant accepts payment of the amount allowed, he cannot bring suit for the remainder.⁵⁵⁵

In pursuance of appropriations by the county council,⁵⁵⁶ courts make allowances against the county for expense of administration of justice.⁵⁵⁷ Such allowances include fees of witnesses,⁵⁵⁸ jurors,⁵⁵⁹ master commissioners,⁵⁶⁰ sheriffs,⁵⁶¹ bailiffs,⁵⁶² and salary of the court reporter⁵⁶³ and his fees covering transcripts for poor persons.⁵⁶⁴

Within 10 days after adjournment of the session of the

⁵⁵⁰ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

⁵⁵¹ 1 Rev. Stat. 1852; Burns 26-802; Baldwin 5252.

⁵⁵² Waymire v. Powell (1886), 105 Ind. 328, 4 N. E. 886.

⁵⁵³ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

⁵⁵⁴ Board of County Comrs. v. Wertz (1887), 112 Ind. 268, 13 N. E. 874.

⁵⁵⁵ Western Constr. Co. v. Board of County Comrs. (1912), 178 Ind. 684, 98 N. E. 347.

⁵⁵⁶ Acts 1899; Burns 26-515, 26-527; Baldwin 5379, 5391.

⁵⁵⁷ Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128.

Change of venue from county. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236.

Blank books and stationery. 2 Rev. Stat. 1852; Burns 49-2709; Baldwin 1436.

⁵⁵⁸ 1 Rev. Stat. 1852; Burns 9-2408; Baldwin 1306.

⁵⁵⁹ Acts 1881 (Spec. Sess.), 1913, 1927, 1933; Burns 4-3319; Baldwin 1277.

⁵⁶⁰ Acts 1881 (Spec. Sess.), 1903; Burns 4-3407; Baldwin 1286.

⁵⁶¹ Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570.

Change of venue from county. Acts 1905; Burns 9-1315; Baldwin 2236.

⁵⁶² Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1895, 1905,

1915, 1919; Burns 49-1311; Baldwin 7570. 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496.

⁵⁶³ Acts 1921, 1939; Burns, 1939 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1.

⁵⁶⁴ Acts 1893; Burns 4-3511; Baldwin 1300.

board of commissioners or of the court, at which allowances against the county are made, the auditor publishes notice showing all allowances made by the board or court. A warrant on an allowance by a court cannot be issued until three days after such publication.⁵⁶⁵

CUSTODY AND DISBURSEMENT OF FUNDS

The treasurer receives all money coming to the county, and disburses it on proper warrants (formerly called orders) issued and attested by the auditor.⁵⁶⁶

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.⁵⁶⁷ The board designates depositories for public funds, after inviting and receiving proposals from banks and trust companies. The commission of a depository may be revoked by the board at any time.⁵⁶⁸ The resignation of a depository becomes effective 30 days after notice thereof to the board.⁵⁶⁹ Monthly statements are furnished by the depository to the board on or before the fifth day of each month, and are preserved in the office of the board.⁵⁷⁰ All public funds paid into the county treasury must be deposited by the treasurer daily, in the name of the county, in one or more of such designated depositories. On or before the fifth day of each month, the treasurer must file with the secretary of the board a statement of the balance of funds at the end of the previous month, consistent with the statement furnished by the depository.⁵⁷¹ The treasurer deposits quarterly with the auditor all redeemed warrants.⁵⁷²

When the auditor draws a warrant, he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or ap-

⁵⁶⁵ Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817; Baldwin 5269.

⁵⁶⁶ Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103; Baldwin 5550. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

⁵⁶⁷ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁵⁶⁸ Acts 1937; Burns, 1939 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

⁵⁶⁹ Acts 1937; Burns, 1939 suppl., 61-640; Baldwin, 1937 suppl., 13844-61.

⁵⁷⁰ Acts 1937; Burns, 1939 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

⁵⁷¹ Acts 1937; Burns, 1939 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

⁵⁷² 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

Interview of May 18, 1939 with E. P. Brennan, state examiner.

propriation is involved.⁵⁷³ Records of the warrants are kept in the manner prescribed by the state board of accounts. Formerly the number, date, amount, name of payee, and purpose of the warrant were entered in a book as prescribed by statute.⁵⁷⁴ The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.⁵⁷⁵ Before issuing a warrant or quietus, the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.⁵⁷⁶

On claims (including claims on judgments) allowed by the board of commissioners, and on allowances made by courts for the cost of administration of justice, the auditor issues his warrant. But a warrant may be issued to pay a judgment, or for insanity inquests, salaries, management of the school fund, or for other liabilities for specific amounts fixed by law, when no allowance has been made as aforesaid.⁵⁷⁷ Warrants not called for within five years after the allowance of the claims on which they were drawn may be cancelled by the board of commissioners, if not called for after publication of notice.⁵⁷⁸

Warrants drawn by the auditor on the treasurer must be accompanied by a carbon copy thereof, except in the case of funds of the state and township. If funds are available to pay the warrant, the treasurer, on presentation to him, detaches and retains the carbon copy, and countersigns the original and stamps thereon the name of the depository by which it is payable. The original warrant is delivered to the payee, and the amount thereof is paid to the payee by the depository on presentation and surrender of the warrant. For the convenience of the payee, the treasurer may pay cash to the holder, on taking an assignment of the warrant, in which event

⁵⁷³ Acts 1899; Burns 26-544; Baldwin 5409.

⁵⁷⁴ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Acts 1909; Burns 60-202; Baldwin 13855. Interview of August 15, 1939 with E. P. Brennan, state examiner.

⁵⁷⁵ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

⁵⁷⁶ Acts 1909; Burns 60-215; Baldwin 13866.

⁵⁷⁷ Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Blue v. State ex rel. Powell (1936), 210 Ind. 486, 1 N. E. (2d) 122.

⁵⁷⁸ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

such warrant will be deposited by the treasurer in the depository in lieu of cash.⁵⁷⁹ The treasurer must deduct any delinquent taxes owing by the payee.⁵⁸⁰ If no funds are available to pay the warrant, the treasurer endorses thereon the words "not paid for want of funds" and the date of such presentment; and thereafter the warrant draws legal interest. Interest ceases when funds become available for payment and the treasurer or auditor publishes a call for redemption.⁵⁸¹ Outstanding warrants are redeemed by the treasurer according to priority of time of presentment. Such warrants must be received in payment of county taxes without regard to such priority.⁵⁸² When the treasurer redeems a warrant on which interest is due, he makes a notation thereon, and also in his account, showing the amount of interest paid.⁵⁸³

Every public officer who receives or distributes public funds must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be kept open to public inspection.⁵⁸⁴ The treasurer keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds. Current taxes are not entered on his account with the county until after his annual statement.⁵⁸⁵ The treasurer's books and office are subject to inspection by the board of commissioners at any time.⁵⁸⁶ At the end of March, June, September, and December, the treasurer makes out a report showing the amount of money in the county treasury and each distinct fund thereof. The report is examined by the board of commissioners at its next regular session.⁵⁸⁷

The treasurer gives a receipt for all money paid to him, which receipt (except for taxes) must be deposited by the payer with the auditor, who gives a quietus for the same.⁵⁸⁸

⁵⁷⁹ 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

⁵⁸⁰ Acts 1919; Burns 64-1506; Baldwin 15768.

⁵⁸¹ Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

⁵⁸² 1 Rev. Stat. 1852; Burns 49-3113; Baldwin 5560.

⁵⁸³ 1 Rev. Stat. 1852; Burns 49-3112; Baldwin 5559.

⁵⁸⁴ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

⁵⁸⁵ 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

⁵⁸⁶ 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555.

⁵⁸⁷ Acts 1895, 1913; Burns 49-1403; Baldwin 7578.

⁵⁸⁸ 1 Rev. Stat. 1852; Burns 49-3104; Baldwin 5551.

The board of commissioners, at its first regular session each year, makes out a statement of the receipts and expenditures for the previous calendar year, and causes it to be published and posted.⁵⁸⁹ The treasurer makes complete settlements with the board of commissioners at its January session each year.⁵⁹⁰ Settlements by the board of commissioners are not binding on the county where the officer has failed to account for any money received by virtue of his office or failed to perform any duty required of him by law.⁵⁹¹

All taxes collected by the treasurer must be deposited in the depository as one fund, except where otherwise provided by law. Semiannually the treasurer settles with the state and municipal corporations of the county for taxes collected for them by the treasurer. Before such settlements, he advances not exceeding 80 percent when request by the proper officer is made to the auditor and a warrant is drawn by him.⁵⁹²

The books and accounts of county officers are audited, from time to time without notice, by the state examiner.⁵⁹³ Before 1909 the board of commissioners performed this function.⁵⁹⁴

PUBLIC DEBT

The constitution provides that the total amount of the county debt shall not exceed two percent of the value of the taxable property therein,⁵⁹⁵ and a statute provides that such debt shall not exceed two percent of the taxable property less the total of all mortgage exemptions.⁵⁹⁶

⁵⁸⁹ Acts 1899; Burns 26-546; Baldwin 5411.

⁵⁹⁰ Acts 1899; Burns 26-531; Baldwin 5395.

Formerly the settlement was made in June. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

The state board of accounts now requires that settlements be recorded in the monthly balance record of the auditor and treasurer. Interview of May 18, 1939 with E. P. Brennan, state examiner.

Formerly the settlements were recorded in the order book (commonly called the "Commissioners' Record") of the board of commissioners. Acts 1899; Burns 26-531; Baldwin 5395.

⁵⁹¹ Acts 1879 (Spec. Sess.); Burns 26-637; Baldwin 5341.

⁵⁹² Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

⁵⁹³ Acts 1909; Burns 60-211; Baldwin 13862.

⁵⁹⁴ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁵⁹⁵ Const., art. 13, sec. 1. Exception is made in case of war, foreign invasion, or other public calamity.

⁵⁹⁶ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

The borrowing of money for the county must be authorized by ordinance of the county council.⁵⁹⁷ The notes, bonds, or other evidence of indebtedness are executed by the county commissioners and attested by the auditor.⁵⁹⁸ The obligations may bear interest at a rate not exceeding six percent per annum. If the interest rate exceeds five percent, the issuance must be approved by the state board of tax commissioners.⁵⁹⁹ The council may provide for maturities at any time not exceeding 52 years from issuance.⁶⁰⁰

The bonds are issued after publication of notice, and must be sold for an amount not less than par value and accrued interest. If the amount of the bond issue is to exceed \$5,000, and if 10 taxpayers file objections with the auditor, the objections will be certified to the state board of tax commissioners for hearing and disposition.⁶⁰¹

Temporary loans may be authorized to meet current running expenses to an amount not exceeding the revenue for the current year, and only as an anticipation of such revenue. It is the duty of the county council each year to levy an annual tax to pay all such temporary loans.⁶⁰²

The county council must make a levy of not less than one-tenth of one percent on the taxable property of the county each year, for the purpose of retiring bonds previously issued; and the taxes collected therefrom must be invested in said bonds or other state or county securities, and shall constitute a sinking fund for the ultimate liquidation of such debt.⁶⁰³ The council must also levy each year a tax sufficient to pay interest for the year on bonds previously issued. If more taxes are collected under this levy than are needed to pay interest, such excess goes into the sinking fund to pay the principal.⁶⁰⁴

⁵⁹⁷ *Ibid.*

⁵⁹⁸ Acts 1899, 1921; Burns 26-540; Baldwin 5405.

⁵⁹⁹ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁶⁰⁰ Acts 1899, 1921, 1929; Burns 26-532, 61-401; Baldwin 5396, 13896.

⁶⁰¹ Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁶⁰² Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

⁶⁰³ 1 Rev. Stat. 1852, Acts 1859; Burns 26-1006; Baldwin 5247. Acts 1899; Burns 26-515; Baldwin 5379.

⁶⁰⁴ 1 Rev. Stat. 1852; Burns 26-1007; Baldwin 5248.

ELECTIONS

In Indiana there are three types of elections: Primary; special; and general. Primary elections are for the purpose of nominating party candidates for all offices (other than those to be voted on by the entire electorate of the state) and electing precinct committeemen and delegates to state party conventions. The primary election is mandatory for each political party in the state casting for its candidate for secretary of state 10 percent or more of the aggregate vote cast for all candidates for secretary of state in the last general election held for that office.⁶⁰⁵ Special elections are held to fill vacancies in the United States Congress, the Indiana General Assembly, in offices required to be filled by special election, and in all offices in case of a tie vote. They are ordered by the governor, announced by the sheriff, and conducted in the manner in which general elections are conducted.⁶⁰⁶ The general election, held biennially, is for the purpose of filling all existing vacancies in office, and all offices the terms of which will expire before the next general election thereafter.⁶⁰⁷

Primary elections are held on the first Tuesday after the first Monday in May preceding the general elections.⁶⁰⁸ They are held under the supervision of the board of primary election commissioners, consisting of the clerk of the circuit court and two persons, of opposite political parties, appointed by him. This board prepares and distributes ballots for the primary elections,⁶⁰⁹ and serves as the county board of election commissioners at the general election for which nominations are made at the primary election.⁶¹⁰

General elections are held biennially on the first Tuesday after the first Monday in November of even-numbered years.⁶¹¹ County officers elected by the people are county commissioners, county councilmen, judge of the circuit court, prosecuting attorney, clerk of the circuit court, auditor, treasurer, sheriff, coroner, recorder, surveyor, and county assessor. These elec-

⁶⁰⁵ Acts 1915; Burns 29-501; Baldwin 7187.

⁶⁰⁶ Acts 1881 (Spec. Sess.); Burns 29-1701 to 29-1704; Baldwin 7246 to 7249.

⁶⁰⁷ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

⁶⁰⁸ Acts 1915, 1917; Burns 29-508; Baldwin 7194.

⁶⁰⁹ Acts 1907, ch. 282, secs. 1, 13. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁶¹⁰ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁶¹¹ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

tions are held under the supervision of the county board of election commissioners, which prepares the county ballots and distributes the county and state ballots.⁶¹² The county board of election commissioners appoints the election officials for each precinct, namely, the precinct board of election (consisting of one inspector and two judges),⁶¹³ two poll clerks (and two assistant poll clerks if necessary),⁶¹⁴ and two election sheriffs.⁶¹⁵ The election judges, poll clerks, and election sheriffs are of opposite political faith and are nominated by the chairman of their respective county central committees. The inspector of elections is nominated by the chairman of the party casting the highest number of votes in the county in the last election for secretary of state.⁶¹⁶ The township trustee is, ex officio, the election inspector in the precinct in which he resides.⁶¹⁷

The constitution provides that all elections shall be free and equal, prescribes the length of residence required of an elector, designates the time of holding elections, and gives the legislature power to provide for the registration of voters.⁶¹⁸

All citizens of the United States, of the age of 21 years and upwards, resident in the state six months, in the township 60 days, and in the precinct 30 days, immediately preceding an election, are entitled to vote. All citizens of foreign birth who have resided in the United States one year and have the age and residence qualifications prescribed above, also may vote, if they have declared their intention to become naturalized.⁶¹⁹ Soldiers, sailors, and marines acquire no residence in the state for voting purposes by virtue of being stationed therein.⁶²⁰ Registration is required of all voters.⁶²¹ There were 12,500 registered voters (estimated) in Warrick County for the general election in November 1938.⁶²²

⁶¹² Acts 1889; Burns 29-1002; Baldwin 7109.

⁶¹³ Acts 1929, 1933; Burns 29-804; Baldwin 7093.

⁶¹⁴ Acts 1929; Burns 29-805; Baldwin 7094.

⁶¹⁵ Acts 1929; Burns 29-806; Baldwin 7095.

⁶¹⁶ Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096.

⁶¹⁷ Acts 1929, 1933; Burns 29-804; Baldwin 7093.

⁶¹⁸ Const., art. 2, secs. 1, 2, 14.

⁶¹⁹ Const., art. 2, sec. 2. Acts 1881 (Spec. Sess.); Burns 29-703; Baldwin 7083.

⁶²⁰ Const., art. 2, sec. 3. Acts 1881 (Spec. Sess.); Burns 29-705; Baldwin 7085.

⁶²¹ Acts 1933; Burns 29-301; Baldwin 7299. See the essay entitled "Registration Officer."

⁶²² *Year Book of the State of Indian for the Year 1938* (1939), 1106.

The registration officer (the clerk of the circuit court *ex officio*) conducts the registration of voters.⁶²³

The board of county commissioners participates in various ways in the conduct of elections. The more important functions of the board in that connection are those of establishing election precincts and changing their boundaries;⁶²⁴ providing rooms for polling places and equipping them with voting booths and ballot boxes;⁶²⁵ and the purchase of voting machines (permissive) for the several precincts.⁶²⁶

Any qualified and registered elector of the county, who by reason of the nature of his business is absent or expects to be absent from the county on the day of holding an election, may vote by an absent voter's ballot which he, by mail or in person, procures from the clerk of the circuit court.⁶²⁷

The board of canvassers (consisting of the election commissioners,⁶²⁸ with the clerk of the circuit court acting as clerk)⁶²⁹ tabulates and compiles the election returns of the county, and files all data, canvass sheets, certificates, poll books, and tally papers in the office of the clerk, and certifies the candidates elected.⁶³⁰

EDUCATION

The public school system of Indiana began with the Ordinance of 1787.⁶³¹ The first financial support for a public school system came from sale of lands of section 16 of each Congressional township.⁶³² Interest in education grew slowly before 1849. In that year the first tax law for the support of schools was passed.⁶³³ It was not until after the adoption

⁶²³ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

⁶²⁴ Acts 1889, 1907; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

⁶²⁵ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1897; Burns 29-1121; Baldwin 7135.

⁶²⁶ Acts 1939; Burns, 1939 suppl., 29-562; Baldwin, 1939 suppl., 7245-1. Acts 1901, 1903; Burns 29-2404; Baldwin 7352.

⁶²⁷ Acts 1935; Burns, 1939 suppl., 29-2601 to 29-2623; Baldwin, 1935 suppl., 7348-1 to 7348-23.

⁶²⁸ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

⁶²⁹ Acts 1905; Burns 29-1402; Baldwin 7378.

⁶³⁰ Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

⁶³¹ Ordinance of 1787, art. 3; *U. S. Statutes at Large*, 1:52 note.

⁶³² *U. S. Statutes at Large*, 3:289, sec. 6(1); Burns, vol. 1, p. 302.

⁶³³ Acts 1848-49 (general), ch. 116, sec. 1. Fassett A. Cotton, *Education in Indiana* (1934),

of the Constitution of 1851 and the passage of the school law of 1852 that education received any serious attention from the state.⁶³⁴ The school law of 1865 brought the most complete revision.⁶³⁵ The constitution provides that the general assembly shall encourage and provide for a general and uniform system of common schools.⁶³⁶

In 1816 the Congressional township fund was provided for the development of the public school system. The fund was composed of the proceeds of the sale of lands of section 16 of each Congressional township.⁶³⁷ The fund was not very well handled during these years, and the public schools were allowed to struggle on as well as they could.⁶³⁸

By 1850 the people of the state were convinced that something more should be done for the support of the school system. Acts of the general assembly diverted moneys from various sources (enumerated below) to the schools, but improper management often depleted adequate provision for education. Thus the Constitution of 1851 established the common school fund⁶³⁹ composed of: The Congressional township fund and the lands belonging thereto; the surplus revenue fund; the bank tax fund; the saline fund and the lands belonging thereto; the funds to be derived from the sale of county seminaries; fines and forfeitures; and the proceeds from the sales of all lands that belonged to the state in 1851.⁶⁴⁰

The constitution further provided that the principal of the common school fund shall remain a perpetual fund and be invested so that it might increase but never diminish; and that only the interest earned by the fund may be expended.⁶⁴¹ The general assembly was given the right to invest all funds that were not already under the supervision of the counties; and they were to distribute the interest to the counties.⁶⁴² Interest at the rate of five percent is charged on loans from the common school fund and the Congressional township fund. For the school year of 1937-38, Warrick County received a total of \$5,125.42 from the interest on the common school

⁶³⁴ Const., art. 8. 1 Rev. Stat. 1852, ch. 98.

⁶³⁵ Acts 1865; Burns 28-101; Baldwin 6499.

⁶³⁶ Const., art. 8, sec. 1.

⁶³⁷ *U. S. Statutes at Large*, 3:289, sec. 6(1); Burns, vol. 1, p. 302.

⁶³⁸ Logan Esarey, *History of Indiana* (1924), 2:679, sec. 122.

⁶³⁹ Const., art. 8, secs. 2-7.

⁶⁴⁰ *Ibid.*, sec. 2. Acts 1865; Burns 28-101; Baldwin 6499.

⁶⁴¹ Const., art. 8, sec. 3.

⁶⁴² *Ibid.*, sec. 4. Acts 1907; Burns 28-102; Baldwin 6500.

fund (from the funds managed by the state).⁶⁴³ These funds are for tuition purposes of the school.

Since 1865 the funds managed by the county have been kept by the county auditor in two separate funds, the common school fund and the Congressional township fund.⁶⁴⁴ He also keeps the account of the permanent endowment fund of Indiana University (established by an act of 1883), which is derived from a tax levy of one-half of one cent on each \$100 of taxable property, collected each twelfth year after the establishment of the fund.⁶⁴⁵ This fund is paid into the state treasury and is apportioned to the counties, by the state auditor, according to population.⁶⁴⁶ Each county is held liable for the preservation of the funds entrusted to it, and for the payment of the annual interest.⁶⁴⁷

In 1866 the enrollment in the common schools of Warrick County was 3,029 pupils.⁶⁴⁸ The length of the term averaged 48 days.⁶⁴⁹ At that time there was one high school in the county. A county seminary, established some years before, was abolished in 1852.⁶⁵⁰

In 1885 the enrollment in the public schools had increased to 5,763 pupils. The high school had then become an accepted part of the educational system, but the only high school was in Boonville. The length of the term had increased to 107 days. There were then 116 school buildings in the county, though most of them were one-room schools.⁶⁵¹

Statistics for 1938 show that Warrick County now has 4,303 pupils schooled in 47 school units, of which 10 are high schools or grade and high schools combined. The length of the school term is now 164 days.⁶⁵² These statistics show that, with constantly improving facilities for transportation, it has become possible to combine the numerous dis-

⁶⁴³ "Report of the State Superintendent of Public Instruction, 1937-1938", *Year Book of the State of Indiana for the Year 1938* (1939), 441.

⁶⁴⁴ Acts 1865; Burns 28-105; Baldwin 6511.

⁶⁴⁵ Acts 1883; Burns 28-5579; Baldwin 6956.

⁶⁴⁶ Acts 1897; Burns 28-5542; Baldwin 6908.

⁶⁴⁷ Const., art. 8, sec. 6. Acts 1865; Burns 28-104; Baldwin 6499-1.

⁶⁴⁸ *Report of the State Superintendent of Public Instruction, 1865-1866*, p. 70.

⁶⁴⁹ *Ibid.*

⁶⁵⁰ See Historical Sketch under part A 1 of this book.

⁶⁵¹ *Report of the State Superintendent of Public Instruction, 1885-1886*, pp. 227, 239, 243.

⁶⁵² *Ibid.*, 1937-1938, *loc. cit.*, 404-423. *Indiana School Directory, 1938-1939*, pp. 324, 325.

strict school units into a few consolidated schools.⁶⁵³ School buses provided by the school corporation transport the students from their homes to school and home again.⁶⁵⁴

There are two major types of school organizations, (a) county schools and (b) town and city schools. The "county schools" are, in reality, township schools and are operated by the township trustees severally. The town and city schools are operated in a similar manner by school boards. In cities or towns of not over 58,000 population, the common council appoints a school board of three members.⁶⁵⁵

The county superintendent of schools, who is elected by the township trustees, has charge of each township institute, aids the trustee in the supervision of the township schools, and carries out all orders and instructions of the state superintendent of public instruction and the state board of education.⁶⁵⁶ He has no supervision of city or town schools.⁶⁵⁷

The township trustees, the county superintendent of schools, and the chairman of the board of school trustees of each city and town in the county compose the county board of education. The city and town school trustees (other than the chairman of the board) may attend the meetings of the county board of education but have no vote in the proceedings. The county board of education meets semiannually to consider the general needs of the schools.⁶⁵⁸

The local school systems are closely supervised by the state board of education with the state superintendent of public instruction as its administrative head.⁶⁵⁹ One of the most important functions of the state board of education is the issuing of teachers' licenses. These are graded according

⁶⁵³ Acts 1877; Burns 28-2601, 28-2602; Baldwin 6153, 6154. Acts 1903; Burns 28-2603; Baldwin 6155. Acts 1921; Burns 28-2604; Baldwin 6101.

⁶⁵⁴ Acts 1917; Burns 28-3801; Baldwin 6271. State ex rel. Beard v. Jackson (1906), 168 Ind. 384, 390.

⁶⁵⁵ Acts 1905, 1915, 1919; Burns 28-1201; Baldwin 5962.

⁶⁵⁶ Acts 1899, 1911, 1913; Burns 28-702, 28-704; Baldwin 5931, 5938. State ex rel. Nebeker v. Sutton (1884), 99 Ind. 300.

⁶⁵⁷ Acts 1899; Burns 28-705; Baldwin 5940.

⁶⁵⁸ Acts 1873, 1877; Burns 28-801; Baldwin 5983. Interview of July 26, 1939 with Grover Van Duyn, assistant state superintendent of public instruction. See the essay entitled "County Board of Education."

⁶⁵⁹ Acts 1865; Burns 28-301, 28-302; Baldwin 5890, 5891. Acts 1913; Burns 28-401; Baldwin 5906. Acts 1939; Burns, 1939 suppl., 28-401a; Baldwin, 1939 suppl., 5906-1.

to the kind and amount of training of the licensee.⁶⁶⁰ The state board of education provides for the inspection of schools,⁶⁶¹ a uniform schedule of textbooks,⁶⁶² and prescribes an accredited course of instruction for teacher training.⁶⁶³

Attendance is compulsory in all the schools in the county for every child between the ages of seven and 16 years. Exceptions are based on physical or mental condition and on court decisions.⁶⁶⁴

The legislature has provided that whenever colored children reside in any school corporation, the school trustee or trustees may establish separate schools for them, providing they have rights, privileges, and advantages equal to those in the other schools in the corporation. Otherwise they must attend the public schools with white children.⁶⁶⁵ Colored schools are represented on the state board of education by the required presence of one member of the negro race.⁶⁶⁶

In 1913 the general assembly first provided that school corporations might establish vocational schools or departments for industrial, agricultural, and home economics education. These courses are established in a manner approved by the state board of education, and are maintained by the regular school funds or by a special tax levy.⁶⁶⁷ Classes may be held during the day or evening. The instruction is of less than college grade, but designed to meet the needs of persons over 14 years of age.⁶⁶⁸

In 1933 the legislature inaugurated a plan for state aid to the schools. There are three main sources of funds that are returned to the county.

From the general fund, the state supplies the county with tuition support of not less than \$700 annually for each teaching unit of 35 pupils in average daily attendance in grades one to eight, and for each unit of 25 pupils in average daily

⁶⁶⁰ Acts 1865; Burns 28-404; Baldwin 5920. Acts 1923; Burns 28-4201 to 28-4217; Baldwin 5912 to 5928.

⁶⁶¹ Acts 1921; Burns 28-304, 28-305; Baldwin 6048, 5939.

⁶⁶² Acts 1889, 1909, 1917; Burns 28-601; Baldwin 6675.

⁶⁶³ Acts 1923; Burns 28-4205; Baldwin 5916.

⁶⁶⁴ Acts 1921; Burns 28-505; Baldwin, 6698.

⁶⁶⁵ Acts 1869 (Spec. Sess.), 1877, 1935; Burns, 1939 suppl., 28-5104; Baldwin, 1935 suppl.,

6012.

⁶⁶⁶ Acts 1939; Burns, 1939 suppl., 28-401a; Baldwin, 1939 suppl., 5906-1.

⁶⁶⁷ Acts 1913, 1919; Burns 28-4902; Baldwin 6448.

⁶⁶⁸ Acts 1913, 1919; Burns 28-4903; Baldwin 6449.

attendance in grades nine to 12.⁶⁶⁹ The total amount received by Warrick County from this source during the 1937-38 school year was \$93,937.59.⁶⁷⁰

From the moneys raised from the excise tax on alcoholic beverages, one-third is distributed to the school corporations on the basis of average daily attendance (which took the place of the enumeration).⁶⁷¹ Warrick County received \$4,233.81 from this source for the school year 1937-38.⁶⁷²

A state stamp tax on intangible property has further provided financial aid to the schools. The money is collected and held separate from the general fund. Of the total amount, 10 percent is kept by the state for the expense of administering that tax, and the remaining amount is apportioned to the counties in the proportion that the assessed valuation of real property in each county bears to the aggregate assessed valuation of real property in the state. The county then retains for its general fund one-fourth of the amount received, and distributes the remainder to the school taxing units. Apportionment among such units is based on assessed valuation of real property of the county.⁶⁷³ For the school year 1937-38 the school taxing units of Warrick County received \$3,200.97 from this source.⁶⁷⁴

In 1933 the common school relief fund was established for the purpose of aiding schools to continue in operation. The fund is derived from a seven-cent tax levy on each \$100 of taxable property, real or personal, and a poll tax of 50 cents on each taxable poll.⁶⁷⁵ Whenever any township trustee or board of trustees of any school town or school city ascertains that there is an insufficient amount of revenue to maintain the school for a term not to exceed eight months, he or they must file a certificate with the county superintendent of schools

⁶⁶⁹ Acts 1933, 1935, 1937; Burns, 1939 suppl., 28-1001 to 28-1003; Baldwin, 1937 suppl., 6502 to 6504.

⁶⁷⁰ "Report of the State Superintendent of Public Instruction, 1937-1938", *Year Book of the State of Indiana for the Year 1938* (1939), 407, 426.

⁶⁷¹ Acts 1935, 1939; Burns, 1939 suppl., 12-811; Baldwin, 1939 suppl., 3764-40 f. Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

⁶⁷² "Report of the State Superintendent of Public Instruction, 1937-1938", *loc. cit.*, 407, 426.

⁶⁷³ Acts 1933; Burns 64-922; Baldwin 15920.

⁶⁷⁴ "Report of the State Superintendent of Public Instruction, 1937-1938", *loc. cit.*, 407, 426.

⁶⁷⁵ Acts 1933; Burns 28-901; Baldwin 6431.

stating its needs.⁶⁷⁶ The county superintendent of schools forwards the certificate to the state board of education,⁶⁷⁷ and this board and the state board of accounts must examine the certificate and decide on the amount to be allotted to the school unit.⁶⁷⁸ The money received must first be used to pay any unpaid items of operating expenses which accrued before the making of such application; and any surplus must be used for the operating expenses of the current year.⁶⁷⁹ Warrick County received \$56,193.78 from this fund in the school year of 1937-38.⁶⁸⁰

The school cities, towns, and townships may levy property taxes and poll taxes⁶⁸¹ for the following school purposes: Renting, repairing, and constructing schoolhouses; furnishings, apparatus, fuel, tuition, and other current expenses;⁶⁸² to enforce compulsory education and keep poor children in school;⁶⁸³ to provide rooms and equipment for the teaching of agriculture, home economics, physical culture, and practical mental culture;⁶⁸⁴ establishment of vocational schools;⁶⁸⁵ and for the retirement of school bonds.⁶⁸⁶

PUBLIC HEALTH

The state board of health closely supervises and directs all local public health activities.⁶⁸⁷ Public health services are administered in the county by a part-time county health officer and a full-time public health nurse. They are appointed by the board of commissioners, subject to approval by the state board.⁶⁸⁸ The state board of health is composed of

⁶⁷⁶ Acts 1933; Burns 28-903; Baldwin 6433.

⁶⁷⁷ Acts 1933; Burns 28-904; Baldwin 6434.

⁶⁷⁸ Acts 1933; Burns 48-905; Baldwin 6435.

⁶⁷⁹ Acts 1933, 1935; Burns, 1939 suppl., 28-907; Baldwin, 1935 suppl., 6437.

⁶⁸⁰ "Report of the State Superintendent of Public Instruction, 1937-1938", *loc. cit.*, 407,

426.

⁶⁸¹ Acts 1919; Burns 64-101; Baldwin 15514.

⁶⁸² Acts 1865, 1873, 1905, 1917; Burns 28-1101; Baldwin 6442.

⁶⁸³ Acts 1921; Burns 28-513; Baldwin 6706.

⁶⁸⁴ Acts 1913; Burns 28-3421; Baldwin 6468.

⁶⁸⁵ Acts 1913, 1919; Burns 28-4902; Baldwin 6448.

⁶⁸⁶ Acts 1937; Burns, 1939 suppl., 28-3218; Baldwin, 1937 suppl., 6623-11.

⁶⁸⁷ Acts 1891, 1909; Burns 35-105, 35-106; Baldwin 8390, 8391.

⁶⁸⁸ Acts 1935; Burns, 1939 suppl., 35-118, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-6. See

the essays entitled "County Health Officer" and "Public Health Nurse."

several bureaus which perform many services for the local health officers. Some of these bureaus furnish laboratory services such as inspection of dairy products, analysis of water, food, and drugs, and making of bacteriological and pathological tests.⁶⁸⁹

The educational facilities offered by the state board are many. Literature, lectures, lantern slides, and motion picture films are available for use in schools and clubs or organizations desiring health information on public health. These facilities may be obtained from the bureaus of health and physical education, communicable diseases, and for control of venereal diseases.⁶⁹⁰

The state board of health distributes insulin, pneumonia serum, diphtheria toxoid, smallpox virus, and typhoid vaccine to physicians for indigent patients.⁶⁹¹

Health laws require that public water supplies must be inspected by the state board of health;⁶⁹² that manufacturing, storage, and retail establishments dealing in foodstuffs must maintain certain standards of sanitation and cleanliness;⁶⁹³ that dwellings which are unsanitary, unsafe, unhealthful, or rendered uninhabitable by a nearby nuisance must be properly inspected and ordered vacated;⁶⁹⁴ that health officers must ascertain the existence of rat infestations, order their extermination, and recommend methods of extermination.⁶⁹⁵

Food and drug products are inspected in the state laboratory for adulteration or misbranding.⁶⁹⁶ Dairy products are tested for butter fat content and weight.⁶⁹⁷

Contagious diseases must be reported to the state board and properly quarantined by the health officer.⁶⁹⁸ All cases of tuberculosis⁶⁹⁹ and leprosy must be reported to the state

⁶⁸⁹ Acts 1905; Burns 35-302; Baldwin 8394.

⁶⁹⁰ Acts 1891, 1909; Burns 35-106; Baldwin 8391. Interview of August 17, 1939 with Dr. Verne K. Harvey, director of the state board of health.

⁶⁹¹ Acts 1907, 1919, 1929, 1935, 1939; Burns, 1939 suppl., 35-701 to 35-703, 35-710, 35-712; Baldwin, 1935 suppl., 13392 to 13394, 13395-1; Baldwin, 1939 suppl., 13395-2.

⁶⁹² Acts 1909; Burns 35-202, 35-203; Baldwin 8411, 8412.

⁶⁹³ Acts 1909; Burns 35-1001; Baldwin 8504.

⁶⁹⁴ Acts 1917; Burns 35-1801; Baldwin 8563.

⁶⁹⁵ Acts 1913; Burns 35-1601, 35-1602; Baldwin 8570, 8571.

⁶⁹⁶ Acts 1905; Burns 35-302; Baldwin 8394. Acts 1907; Burns 35-1201; Baldwin 8432. Acts 1939, ch. 38.

⁶⁹⁷ Acts 1913; Burns 35-1301; Baldwin 8455.

⁶⁹⁸ Acts 1903; Burns 35-401, 35-403; Baldwin 8531, 8533.

⁶⁹⁹ Acts 1917; Burns 35-601, 35-602; Baldwin 8402, 8552.

board of health as soon as they are diagnosed. The state board has jurisdiction to direct the care and disposition of lepers.⁷⁰⁰

All birth certificates must show that the attendant at such birth took the proper precautions to prevent ophthalmia neonatorum (the disease causing infant blindness).⁷⁰¹ If an infant's eyes show any sign of infection within two weeks after the date of birth, a written report thereof must be made to the health officer within six hours after such discovery.⁷⁰²

A recent statute provides that all persons applying to the clerk of the circuit court for a marriage license must present a certificate from a licensed physician stating that the applicant is free from syphilis in an infectious state. Before giving such certificate, the physician must have a blood specimen of the applicant examined by the laboratory of the state board of health or a laboratory approved by the board. The test must be made not more than 30 days before the application for a license. This law does not go into effect until March 1, 1940.⁷⁰³

The local (county or city) part-time health officers are physicians legally qualified to practice medicine and suitably trained in sanitary science.⁷⁰⁴ It is possible, under the present Indiana law, to make the local officer a full-time official.⁷⁰⁵ If a county is financially unable to maintain a full-time health officer alone, several counties may join in the support of a full-time district health officer. The expenses of such an office would be in proportion to the population of each county at the time of the last federal census.⁷⁰⁶

The local health officers enforce the state health laws and the rules and regulations of the state board of health. They promote health education, collect vital statistics, make periodic reports to the state board of health, and keep records of these reports in their record books.⁷⁰⁷

With the aid of federal funds derived from the state's

⁷⁰⁰ Acts 1917; Burns 35-501 to 35-507; Baldwin 8543 to 8545.

⁷⁰¹ Acts 1911; Burns 35-901; Baldwin 8558.

⁷⁰² Acts 1911; Burns 35-903; Baldwin 8560.

⁷⁰³ Acts 1939; Burns, 1939 suppl., 44-213; Baldwin, 1939 suppl., 5624-1.

⁷⁰⁴ Acts 1935; Burns, 1939 suppl., 35-118, 35-121; Baldwin, 1935 suppl., 8404-1, 8404-4.

⁷⁰⁵ Acts 1935; Burns, 1939 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.

⁷⁰⁶ Acts 1935; Burns, 1939 suppl., 35-125; Baldwin, 1935 suppl., 8404-8.

⁷⁰⁷ Acts 1935; Burns, 1939 suppl., 35-118, 35-122, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-5,

acceptance of the federal "Social Security Act" of August 14, 1935, the state board of health has been able to establish several district health departments.⁷⁰⁸ These district departments are under the supervision of the bureau of local health administration of the state board of health and they in turn give aid to the local part-time health officials.⁷⁰⁹

HOSPITALS

Before the turn of the century, the maintenance of hospitals had been left largely to cities and private associations; but laws now provide for the establishment and maintenance of hospitals by the board of commissioners, whenever it finds need for them,⁷¹⁰ on the petition of resident freeholders,⁷¹¹ or in co-operation with private associations.⁷¹² Training schools for nurses,⁷¹³ detention departments for insane patients,⁷¹⁴ tuberculosis departments,⁷¹⁵ and veterinary laboratories⁷¹⁶ are maintainable in connection with these hospitals. The law provides that a county hospital is for the benefit of the following persons: All inhabitants of the county; any person falling sick or being injured within its limits; and of any nonresidents to whom the hospital board may extend its benefits. All persons must pay for medical attention furnished to them if financially able to do so.⁷¹⁷ Township trustees pay for care given to indigent patients from their respective townships.⁷¹⁸

VITAL STATISTICS

In Indiana the collection of vital statistics is supervised by the bureau of vital statistics of the state board of health.⁷¹⁹ The county health officer makes the collection

⁷⁰⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1601, 52-1602, 52-1604; Baldwin, 1937 suppl., 8409-1, 8409-2, 8409-4.

⁷⁰⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1611; Baldwin, 1937 suppl., 8409-11.

⁷¹⁰ Acts 1903, 1939; Burns, 1939 suppl., 22-3201; Baldwin, 1939 suppl., 4507.

⁷¹¹ Acts 1917, 1919, 1921, 1925, 1927, 1929; Burns 22-3215, 22-3216; Baldwin 4517, 4537.

⁷¹² Acts 1903, 1905; Burns 22-3202; Baldwin 4508.

⁷¹³ Acts 1917, 1923; Burns 22-3233; Baldwin 4531.

⁷¹⁴ Acts 1917; Burns 22-3234; Baldwin 4532.

⁷¹⁵ Acts 1917; Burns 22-3235; Baldwin 4533.

⁷¹⁶ Acts 1917; Burns 22-3236; Baldwin 4534.

⁷¹⁷ Acts 1917; Burns 22-3229; Baldwin 4527.

⁷¹⁸ Acts 1903, 1917; Burns 22-3206, 22-3237; Baldwin 4512, 4535.

⁷¹⁹ Acts 1907, 1913; Burns 35-116; Baldwin 8399.

of local data on forms supplied by the state board of health, and periodically delivers reports of all records to the state board. The health officer collects statistics of births, deaths, marriages, and communicable diseases. Physicians, midwives, the clerk of the circuit court, and all responsible householders are required to report to the county health officer the facts needed for such statistics.⁷²⁰

All birth reports are to be made to the health officer within 36 hours after birth. A child that lives and breathes after birth, no matter how brief the period, and regardless of the period of gestation, is a living child; and if he thereafter dies, his birth and death must be reported and recorded.⁷²¹

Deaths are reported as soon as possible, because a body may not be buried until a burial permit has been issued by the health officer in charge, and burial permits are not issued until the death certificate is completed. Burial may be made anywhere in the state regardless of the county in which the permit was issued. When a death occurs outside the state, and the body is brought into the state for interment, the burial permit must be based on the transportation permit, and no record of said death is required. If death has occurred by means of violence or criminal practices, the death notice is referred to the coroner.⁷²² The burial permit is preserved with the records of the cemetery.⁷²³

The clerk of the circuit court issues all marriage licenses, and makes a monthly report of all marriages to the county health officer. The health officer records each marriage in his record book, and sends a quarterly report to the state board of health. All marriages must be reported by the person performing them, within three days after the occurrence thereof, on official blanks, to the clerk of the circuit court of the county where the license was issued.⁷²⁴

Weekly reports, on forms provided by the United States Public Health Service, summarizing all communicable diseases are made by the local health officers to the state board of

⁷²⁰ Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

⁷²¹ Acts 1907, 1911, 1913; Burns 35-115, 35-901; Baldwin 8398, 8558. Rule 4 of the state board of health.

⁷²² Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 3 of the state board of health.

⁷²³ Acts 1939; Burns, 1939 suppl., 20-1021; Baldwin, 1939 suppl., 4617-21.

⁷²⁴ Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 5 of the state board of health.

health. The report, stating such to be the case, is made even if there are no diseases to report.⁷²⁵

The heads of all public and private institutions, such as hospitals, poor asylums, and places of confinement are required to keep all statistics concerning the inmates and make reports directly to the state board of health as required by the board.⁷²⁶

WELFARE ASSISTANCE

An important public service is the administration of the Public Welfare Act. Welfare assistance is supervised by the county department of public welfare.⁷²⁷

An applicant for old-age assistance must be 65 years old; must be a citizen of the United States; must have lived in the state for five years out of the last nine, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; and must not have transferred his property within the five years immediately before his application.⁷²⁸ He must reveal all property and income in which he has an interest,⁷²⁹ agree to reimburse the county for assistance given him, and assign as collateral security such part of his personal property as the county department of public welfare may require.⁷³⁰ After an investigation of his needs, the county department grants him assistance, never exceeding \$30 a month.⁷³¹ A copy of the certificate of award is filed in the office of the recorder, and constitutes a lien on any real property the pensioner then owns or subsequently acquires.⁷³² With the consent of the state department of public welfare, the county department may demand a transfer of all property he owns, on the sole condition that if assistance is suspended or if he dies the property will revert to him or his estate, subject to a lien for sums the state has paid to him.⁷³³

⁷²⁵ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 6 of the state board of health.

⁷²⁶ Acts 1907, 1913; Burns 35-117; Baldwin 8400.

⁷²⁷ See the essay entitled "County Department of Public Welfare."

⁷²⁸ Acts 1936 (Spec. Sess.); 1937; Burns, 1939 suppl., 52-1201; Baldwin, 1937 suppl., 14078-32.

⁷²⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 51-1204; Baldwin, 1937 suppl., 14078-35.

⁷³⁰ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1213; Baldwin, 1937 suppl., 14078-44.

⁷³¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1203; Baldwin, 1937 suppl., 14078-34.

⁷³² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

⁷³³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1214; Baldwin, 1937 suppl., 14078-45.

A blind applicant, in order to receive state assistance, must be 21 years old if a male or 18 years old if a female; must be a citizen of the United States; must have lost his eyesight while a resident of the state or have lived in the state five of the last nine years, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; must not have transferred his property within the five years immediately before his application; and must not solicit alms while receiving assistance.⁷³⁴ The amount he receives is determined by the county department after an investigation of his needs⁷³⁵ and never exceeds \$30 a month⁷³⁶ except as temporary assistance is given for the treatment of his eyes.⁷³⁷ Blind children may be sent to the school for the blind near Indianapolis.⁷³⁸

A dependent or destitute child must have lived in the state one year preceding his application for assistance or have been born within the state during the year, his mother having resided in the state one year before his birth.⁷³⁹ A destitute child⁷⁴⁰ may receive as much as \$23 a month,⁷⁴¹ and is eligible for any other relief he may require.⁷⁴² The first dependent child may receive \$20, the second child \$18, and each additional child \$12 a month.⁷⁴³ Crippled children may be placed in any public or private hospital or be sent to the Riley Hospital at Indianapolis.⁷⁴⁴ Diseased and defective children may be placed in any public hospital in the county by the judge of the circuit court.⁷⁴⁵ Orphan, dependent, and neglected children under 16 years of age are placed in private

⁷³⁴ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1221; Baldwin, 1937 suppl., 14078-52.

⁷³⁵ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 51-1225; Baldwin, 1937 suppl., 14078-56, 14078-58.

⁷³⁶ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1223; Baldwin, 1937 suppl., 14078-54.

⁷³⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1236; Baldwin, 1937 suppl., 14078-67.

⁷³⁸ Acts 1865; Burns 22-601 *et seq.*; Baldwin 4560 *et seq.*

⁷³⁹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1240, 52-1268; Baldwin, 1937 suppl., 14078-71, 14078-97 b.

⁷⁴⁰ Acts 1937; Burns, 1939 suppl., 52-1267; Baldwin, 1937 suppl., 14078-97 a.

⁷⁴¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1269; Baldwin, 1937 suppl., 14078-97c.

⁷⁴² Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1278; Baldwin, 1937 suppl., 14078-97 i.

⁷⁴³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1241; Baldwin, 1937 suppl., 14078-72.

⁷⁴⁴ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1256; Baldwin, 1937 suppl., 14078-67.

⁷⁴⁵ Acts 1933; Burns 52-501; Baldwin 5700.

homes under the supervision of the county department of public welfare.⁷⁴⁶

No official, in carrying out the provisions of the Welfare Act, may take charge of a child over the objection of a parent or a person standing in loco parentis to such child, except pursuant to a court order.⁷⁴⁷ Persons receiving aid under the Welfare Act are ineligible for other public relief.⁷⁴⁸ Assistance is not transferable, is not subject to legal process, and is not an asset in bankruptcy proceedings.⁷⁴⁹ When a blind person moves to another county in the state, there is no suspension of any assistance he is receiving;⁷⁵⁰ and children and the aged may receive aid for another year from the county from which they moved.⁷⁵¹

If a person is unable to care for himself, the county department designates and pays his relief money to some responsible person for his benefit.⁷⁵² If a recipient of relief dies leaving an estate insufficient to bury him, and the persons legally responsible for his burial are unable to pay the expenses, the county department pays \$75 for his funeral, plus an additional \$25 for a burial lot (if the deceased did not own one).⁷⁵³

An appeal may be taken from the county department to the state department of public welfare.⁷⁵⁴ Nothing in the Welfare Act relieves any person from liability for the support of parent, child, or spouse.⁷⁵⁵

⁷⁴⁶ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1104 (c); Baldwin, 1937 suppl., 14078-5(c). Interview of December 11, 1939 with Thurman A. Gottschalk, chief administrator of the state department of public welfare.

⁷⁴⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1417; Baldwin, 1937 suppl., 14078-130.

⁷⁴⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1202, 52-1222; Baldwin, 1937 suppl., 14078-33, 14078-53.

⁷⁴⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1210, 52-1231; Baldwin, 1937 suppl., 14078-41, 14078-62.

⁷⁵⁰ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1239; Baldwin, 1937 suppl., 14078-70.

⁷⁵¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1218, 52-1248; Baldwin, 1937 suppl., 14078-49, 14078-79.

⁷⁵² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1208, 52-1229; Baldwin, 1937 suppl., 14078-39, 14078-60.

⁷⁵³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1209, 52-1230; Baldwin, 1937 suppl., 14078-40, 14078-61.

⁷⁵⁴ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1211, 52-1232, 52-1246; Baldwin, 1937 suppl., 14078-42, 14078-63, 14078-77.

⁷⁵⁵ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

Poor relief is administered by the township trustees. The county maintains an asylum for the poor.⁷⁵⁶ Residents of the county,⁷⁵⁷ paupers,⁷⁵⁸ and nonresidents requiring temporary relief⁷⁵⁹ may be placed therein. The law prohibits the keeping of children between the ages of three and 17 in the asylum for a longer period than 60 days.⁷⁶⁰ They must be placed in private homes under supervision of the county department of public welfare.⁷⁶¹ Anyone refused relief by a township trustee has a right to a hearing before the board of commissioners⁷⁶² and to an appeal from that board to the circuit court.⁷⁶³ The board of commissioners may borrow for poor relief, if the funds available are not sufficient.⁷⁶⁴

PUBLIC WORKS AND PROPERTY

The board of commissioners has power to make orders respecting the property of the county in conformity to law; to sell the public grounds of the county on which public buildings are situated, and to purchase in lieu thereof, in the name of the county, other grounds in the county seat on which such buildings shall be erected; to purchase other lands for the enlargement of the public square, and to take care of and preserve such property; to grant licenses, permits, or franchises with respect to the use of the property of the county.⁷⁶⁵ No sale, conveyance, or purchase, by the board, of real estate of the value of \$1,000 or more can take place except pursuant to ordinance of the county council authorizing such sale or purchase and fixing the terms and conditions thereof.⁷⁶⁶ The board cannot sell county property, real or per-

⁷⁵⁶ Const., art. 9, sec. 3. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1935; Burns, 1939 suppl., 52-146; Baldwin, 1935 suppl., 13320-3.

⁷⁵⁷ 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1935; Burns, 1939 suppl., 52-146; Baldwin, 1935 suppl., 13320-3.

⁷⁵⁸ Acts 1935; Burns, 1939 suppl., 52-151; Baldwin, 1935 suppl., 13320-8.

⁷⁵⁹ Acts 1935; Burns, 1939 suppl., 52-163; Baldwin, 1935 suppl., 13320-20.

⁷⁶⁰ Acts 1897, 1901; Burns 22-2608; Baldwin 4388.

⁷⁶¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1104 (c); Baldwin, 1937 suppl., 14073-5 (c). Interview with Thurman A. Gottschalk, chief administrator of state department of public welfare.

⁷⁶² Acts 1935; Burns, 1939 suppl., 52-160; Baldwin, 1935 suppl., 13320-17.

⁷⁶³ 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5276.

⁷⁶⁴ Acts 1935; Burns, 1939 suppl., 52-604; Baldwin, 1935 suppl., 13359-1.

⁷⁶⁵ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236.

⁷⁶⁶ Acts 1899; Burns 26-534; Baldwin 5399.

sonal, except at public auction after 60 days' notice by publication and posting.⁷⁶⁷

ROADS AND BRIDGES

The board of commissioners has power to construct and maintain roads⁷⁶⁸ and bridges.⁷⁶⁹ Generally the preliminary procedure for such construction is as follows: Taxpayers file with the board of commissioners a petition requesting the improvement; notice of hearing before the board is published; taxpayers opposing the petition file remonstrances; viewers appointed by the board make inspection and recommendations; damages to landowners are determined; the petition is finally approved; a contract for the work is let; and damages are paid. In some instances, bonds may be issued for the construction of roads⁷⁷⁰ and bridges,⁷⁷¹ and special assessment liens charged against the land benefited by the road.⁷⁷² The county may render financial assistance to the state highway commission in the construction of any state highway located wholly within the county, and any bridge (on such highway) over a stream forming the county boundary.⁷⁷³

The county surveyor ordinarily prepares the plans and specifications for, and has general supervision of, the construction of roads and bridges. If he is not a competent civil engineer, the board may appoint one to perform such duties.⁷⁷⁴

The county surveyor, or a county highway supervisor (other

⁷⁶⁷ Acts 1907; Burns 26-2008; Baldwin 5107.

⁷⁶⁸ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1923; Burns 36-1001; Baldwin 9020. Acts 1905; Burns 36-1204; Baldwin 8807. Acts 1905; Burns 36-1301 *et seq.*; Baldwin 8787 *et seq.* Acts 1921; Burns 36-1401 *et seq.*; Baldwin 8904 *et seq.*

⁷⁶⁹ Acts 1905, 1907, 1929; Burns 36-1901; Baldwin 9236. Acts 1905, 1911, 1913; Burns 36-2001; Baldwin 9191. Acts 1903, 1923; Burns 36-2002; Baldwin 9192. Acts 1920; Burns 36-2401 *et seq.*; Baldwin 9151 *et seq.*

⁷⁷⁰ Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1435 to 36-1443; Baldwin 8938 to 8946. Acts 1937; Burns, 1939 suppl., 36-332; Baldwin, 1937 suppl., 8859-1.

⁷⁷¹ Acts 1920 (Spec. Sess.); Burns 36-2402; Baldwin 9152. Acts 1927; Burns 36-2421; Baldwin 9171. Acts 1929, 1937; Burns, 1939 suppl., 36-2432; Baldwin, 1937 suppl., 9182. Acts 1927; Burns 36-2441; Baldwin 9128.

⁷⁷² Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

⁷⁷³ Acts 1923, 1929; Burns 36-136 to 36-141; Baldwin 8672 to 8675, 8678, 8679.

⁷⁷⁴ 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

than the surveyor) appointed by the board, has general supervision of the maintenance and repair of all roads, bridges, and culverts which are maintained from the highway fund of the county.⁷⁷⁵ He makes maps of all county roads, and gives each road a name or number, so that the roads may be efficiently patrolled for making repairs.⁷⁷⁶ Weeds must be cut and removed each year between June 15 and September 1.⁷⁷⁷

All expenses incurred in the maintenance, repair, and preservation of county roads must be paid out of funds received by the county from the motor vehicle highway account of the state; and no tax can be levied for such purpose except by the unanimous vote of the county council in case of extraordinary emergency or indispensable necessity.⁷⁷⁸

PUBLIC BUILDINGS

The law provides that the board of commissioners must cause a courthouse, jail, and public offices for the clerk, recorder, treasurer, and auditor to be erected and furnished, where the same has not been done; and must keep all the public buildings of the county in repair; and that such offices must be fireproof, if practicable.⁷⁷⁹

For the purpose of acquiring a new courthouse, the board, without appraisalment and without authority from the county council, may sell to the state any lands of the county containing public buildings, and buy other land for courthouse grounds. The proceeds of sale can be used only for such purpose. Additional funds for such purpose may be raised by issuing bonds or notes.⁷⁸⁰

If the courthouse or jail is wholly or partly destroyed by fire or windstorm, it may be reconstructed or repaired by the board, and bonds issued therefor, and a tax levied to pay for the bonds.⁷⁸¹

County buildings, not needed by the courts or for county business, may be leased to the city or town in which such

⁷⁷⁵ Acts 1933; Burns 36-1102, 33-1110; Baldwin 8700, 8708.

⁷⁷⁶ Acts 1933; Burns 36-1109; Baldwin 8707.

⁷⁷⁷ Acts 1939; Burns, 1939 suppl., 36-714; Baldwin, 1939 suppl., 8619-1.

⁷⁷⁸ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715. Acts 1937, 1939; Burns, 1939 suppl., 36-2804; Baldwin, 1939 suppl., 8695-4. Acts 1937; Burns, 1939 suppl., 36-2806; Baldwin, 1937 suppl., 8695-6.

⁷⁷⁹ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240.

⁷⁸⁰ Acts 1917, 1920 (Spec. Sess.); Burns 26-2201 to 26-2210; Baldwin 5165 to 5174.

⁷⁸¹ Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

buildings are located for a term not exceeding 10 years in any one lease,⁷⁸² or to private persons or corporations for a term not exceeding five years.⁷⁸³

The board may construct and maintain public halls, and provide a custodian, janitor, lights, and heat therefor; and may join with a city for such purpose, or sell such halls to a city or town.⁷⁸⁴ The board may erect soldiers' monuments,⁷⁸⁵ memorial buildings, auditoriums, and coliseums.⁷⁸⁶

Contracts for construction of public buildings may be let by the board of commissioners in pursuance of appropriation by the county council,⁷⁸⁷ after plans and specifications adopted by the board have remained in the auditor's office 30 days open to public inspection, notice inviting bids has been published, and bids, affidavits, and bonds have been received from bidders.⁷⁸⁸

Drainage districts and special assessment liens on the land in the benefited area, to pay for the drainage, may be established by the circuit court on petition of landowners, after reference to the surveyor.⁷⁸⁹ The petition will be dismissed if owners of two-thirds of the affected land remonstrate within 20 days.⁷⁹⁰ If the original assessment is insufficient to complete the work, an additional assessment may be ordered after report of the surveyor, notice to the landowners, and hearing by the court.⁷⁹¹ After assessments are adjusted and confirmed, they are placed on the ditch duplicate and collected in the manner in which taxes are collected.⁷⁹²

The county surveyor has general supervision of the construction and maintenance of all ditches, drains, and levees. He makes all necessary surveys, maps, plans, and specifica-

⁷⁸² Acts 1909; Burns 26-1801 to 1804; Baldwin 5151 to 5154.

⁷⁸³ Acts 1919; Burns 26-1805 to 26-1810; Baldwin 5155 to 5160.

⁷⁸⁴ Acts 1903, 1913; Burns 26-1901 to 26-1906; Baldwin 5146 to 5164.

⁷⁸⁵ Acts 1865, 1891; Burns 26-1701; Baldwin 5298.

⁷⁸⁶ Acts 1913; Burns 26-1707; Baldwin 5132.

⁷⁸⁷ Acts 1899; Burns 26-525; Baldwin 5389.

⁷⁸⁸ Acts 1899; Burns 26-537; Baldwin 5402. Acts 1907; Burns 26-2001 to 26-2005; Baldwin

5100 to 5104.

⁷⁸⁹ Acts 1933; Burns 27-104, 27-109, 27-116, 27-134; Baldwin 5740, 5745, 5752, 5770.

⁷⁹⁰ Acts 1933; Burns 27-108; Baldwin 5744.

⁷⁹¹ Acts 1933; Burns 27-122; Baldwin 5758.

⁷⁹² Acts 1933; Burns 27-134; Baldwin 5770.

tions when a court grants petitions for construction.⁷⁹³ The law requires that open ditches be cleaned out and repaired biennially, and that weeds, willows, and debris be removed therefrom annually, and that public tile drains be repaired whenever necessary.⁷⁹⁴

The board of commissioners may, by purchase or eminent domain, acquire lands and rights necessary to obtain a right-of-way for drainage or easement for sewers, when necessary for the proper maintenance of any county building or institution.⁷⁹⁵

OTHER PUBLIC PROPERTY

The board of commissioners may, without petition, purchase or otherwise acquire lands within the county for park purposes and make the necessary improvements thereon.⁷⁹⁶ If 200 persons, who are taxpayers and voters, petition the board to acquire land for park purposes, the board gives 60 days' notice by publication and conducts a public hearing on the question. If 20 percent of the resident taxpayers file remonstrances on or before the day fixed for hearing, the petition will be dismissed.⁷⁹⁷ The board may acquire land to convey to the state for park purposes, on petition of 200 persons who are taxpayers and voters, after publication of 30 days' notice, public hearing, consent of the governor and the director of the state department of conservation, fixing a tax levy, and issuing bonds (if needed). The petition will be dismissed if 25 percent of the resident taxpayers file remonstrances before the date fixed for hearing.⁷⁹⁸

The board of commissioners may acquire, by purchase or gift, any lands within the county for the purpose of a permanent public forest.⁷⁹⁹ Purchase for such purpose may be made on petition signed by 50 or more freeholders of the county, after publication of notice, a public hearing, and fixing a

⁷⁹³ Acts 1933; Burns 27-101, 27-201; Baldwin 5737, 5775. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁷⁹⁴ Acts 1933, 1935; Burns, 1939 suppl., 27-203, 27-210; Baldwin, 1935 suppl., 5777, 5784. Acts 1939; Burns, 1939 suppl., 27-233; Baldwin, 1939 suppl., 5794-9.

⁷⁹⁵ Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

⁷⁹⁶ Acts 1923, 1927; Burns 26-1501; Baldwin 5199.

⁷⁹⁷ Acts 1923; Burns 26-1503, 26-1504; Baldwin 5201, 5202.

⁷⁹⁸ Acts 1927; Burns 26-1512 to 26-1516; Baldwin 5190 to 5194.

⁷⁹⁹ Acts 1929; Burns 32-101; Baldwin 4875.

tax levy to pay for the same. Money may be raised by bond issue or temporary loan.⁸⁰⁰ A gift of lands to the county on condition that they be maintained as a public forest can be accepted only by a majority of the board of commissioners and county council in joint session.⁸⁰¹ Any taxpayer may appeal to the circuit court.⁸⁰²

Saline and meander lands bordering on lakes and streams, owned by the state, may be purchased by the county to be used for a public park or public forest, or both, on order of the board of commissioners, by filing petition with the circuit court, appraisal of lands, and payment of value.⁸⁰³

The board may permit county lands within one and one-half miles of a city or town to be used by such city or town for park purposes. Title to the land remains in the county.⁸⁰⁴

The board, on petition of a majority of the voters in the county, may purchase land to be used for fairgrounds,⁸⁰⁵ and thereafter sell such land or any part thereof, if it is no longer an eligible location for fairs.⁸⁰⁶

The county may, separately or in conjunction with another county or city, acquire, maintain, and dispose of airports and appurtenances necessary and useful in connection therewith.⁸⁰⁷

Lands conveyed to the board of commissioners for the purpose of a public or private cemetery must be held by the board forever in trust for such purpose,⁸⁰⁸ subject to the exceptions hereinafter stated. The board, in which title is vested, may convey any public cemetery to any city or town within the vicinity thereof on application of such city or town,⁸⁰⁹ and may convey any cemetery, public or private, to a cemetery association on petition of a majority of the persons, being residents of the county and heads of families, whose dead are buried in the cemetery.⁸¹⁰

⁸⁰⁰ Acts 1929, 1935; Burns, 1939 suppl., 32-102; Baldwin, 1935 suppl., 4876.

⁸⁰¹ Acts 1929; Burns 32-105; Baldwin 4879.

⁸⁰² Acts 1929, 1935; Burns, 1939 suppl., 32-109; Baldwin, 1935 suppl., 488-1.

⁸⁰³ Acts 1929; Burns 62-217 to 62-225; Baldwin 15260 to 15268.

⁸⁰⁴ Acts 1911; Burns 26-1526 to 26-1531; Baldwin 5181 to 5186.

⁸⁰⁵ Acts 1873; Burns 26-1517, 26 1518; Baldwin 5330, 5331.

⁸⁰⁶ Acts 1873; Burns 26-1519; Baldwin 5332.

⁸⁰⁷ Acts 1920 (Spec. Sess.), 1921; Burns 14-301 to 14-306; Baldwin 4021, 4023 to 4026.

⁸⁰⁸ 1 Rev. Stat. 1852; Burns 25-1521; Baldwin 10600.

⁸⁰⁹ Acts 1905; Burns 48-6003; Baldwin 12665.

⁸¹⁰ Acts 1881 (Spec. Sess.); Burns 21-210, 21-211; Baldwin 4626, 4627.

MISCELLANEOUS FUNCTIONS

The board of commissioners has power to make suitable rules and regulations covering traffic on roads maintained by the county, and to take steps necessary to enforce the rules. If such road is on a county line, the boards of commissioners of the respective counties, in joint session, may make and enforce the rules.⁸¹¹ The county surveyor or county highway supervisor may fix the limits of the loads for any road, bridge, or culvert maintained by the county.⁸¹²

The state-wide interest in agriculture was so strong in 1851 that the constitution of that year provided that improvement of agriculture should be encouraged.⁸¹³ Later the office of county agricultural agent was established for the purpose of furthering local education in agriculture, and for co-operating with and advising farmers and teachers.⁸¹⁴ Allowances may be made out of the county's general fund to agricultural societies for the promotion of agricultural and horticultural interests.⁸¹⁵

RECORDS SYSTEM

The records of Warrick County began with its creation in 1813. The establishment of each of the county offices and bureaus inaugurated their records, which were kept in such fashion as the incumbents saw fit, following in the main the directions of the general assembly under the provisions for each respective office.

In 1909 the legislature established the state board of accounts, which formulates, prescribes, and installs systems of accounting and reporting which are uniform for every public office of the same class.⁸¹⁶ Under this law some of the records were combined to eliminate separation, duplication, and overlapping. The board also permits the use of bound loose-leaf records in almost all cases where the records are

⁸¹¹ Acts 1919; Burns 36-706; Baldwin 8899. Interview of December 29, 1939 with T. A. Dicus, chairman of the state highway commission.

⁸¹² Acts 1933; Burns 36-1110; Baldwin 8700, 8708. Interview of May 29, 1939 with T. A. Dicus, chairman of the state highway commission.

⁸¹³ Const., art. 8, sec. 1.

⁸¹⁴ Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

⁸¹⁵ Acts 1877; Burns 15-314; Baldwin 5333.

⁸¹⁶ Acts 1909; Burns 60-202, 60-224; Baldwin 13855, 13875.

typed. The quality of the paper and ink and the binding and rebinding practices are left to the judgment of the board of commissioners, except that a good quality is required.

An act of 1937 provides that the board of commissioners may provide for the installation of a modern tax accounting system in the offices of the treasurer and auditor, after a description thereof has been approved by the board of commissioners and certified to, and approved by, the state board of accounts.⁸¹⁷ No system has been established in Warrick County under authority of this law.⁸¹⁸

Whenever it may be necessary for the preservation of the records of any office, it is the duty of the board of commissioners to issue an order directing the officer in charge to copy and transcribe the records.⁸¹⁹

In event of loss or destruction, in whole or in part, of any of the county records, they must be replaced as follows: (a) The board of commissioners must send to the governor a certified list of such records furnished by the state, and he must order the proper state officer to replace them; (b) records compiled in the county must be restored, if possible, from original documents by the county officer who had custody of the original records; (c) if impossible to reduplicate the old records, new records must be made on evidence taken from parties having knowledge of the facts concerned, by the proper officer or by a commissioner appointed by the board of commissioners for that purpose.⁸²⁰

In 1925 a law was passed permitting county officials, at their discretion, to turn over to the archives division of the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books and material not in current use in their office.⁸²¹ County officials have only occasionally availed themselves of this provision for permanent preservation of their old records.

An act of 1927 provided that deeds, mortgages, and other instruments may be recorded by a photographic process adopted

⁸¹⁷ Acts 1937; Burns, 1939 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

⁸¹⁸ Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁸¹⁹ Acts 1877; Burns 26-634; Baldwin 5339.

⁸²⁰ 2 Rev. Stat. 1852, Acts 1865; Burns 57-101 to 57-124; Baldwin 1168 to 1191. Acts 1881; Burns 57-208 to 57-210; Baldwin 1165 to 1167. Acts 1893; Burns 57-125, 57-211 to 57-214; Baldwin 1197, 1192 to 1195.

⁸²¹ Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

by the board of commissioners.⁸²² The photographic method of recording has never been used generally by any Warrick County officer.

In 1937 the general assembly authorized the director of the state library, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office, for preservation in the state archives. All public officials must permit such copies to be made.⁸²³

In 1939 the legislature created in each county a commission of public records, consisting of the judge of the circuit court, the president of the board of commissioners, the county auditor, and the clerk of the circuit court. The commission must classify county records on the following basis: (a) Public records, if any, no longer of official or historical value; (b) public records which are of current official value and should be retained in the office where they are required to be filed; (c) public records of official value but which are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed; and (d) public records of no apparent official value but having historical value. Records of class (a), which occupy space to no purpose in the offices and storerooms of the county, must, three years from the time they were originally filed (unless a law requires that they be kept for a longer period of time), be destroyed or otherwise disposed of, unless a law prohibits their destruction and unless such records are then in frequent use by the officer having charge of the office in which they are located. Records of class (b) will be retained in the office in which they were required to be filed. Records of classes (c) and (d) must be transferred to the state library three years after the date of the filing of such records, unless they are then in frequent use by the officer having charge of the office in which they are located. In the event of such transfer, the records of class (c) will be added to the archives of the library while those of class (d) will constitute a part of the collection of such library.⁸²⁴

⁸²² Acts 1927; Burns 49-3207; Baldwin 14667.

⁸²³ Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁸²⁴ Acts 1939; Burns, 1939 suppl., 49-3701, to 49-3710; Baldwin, 1939 suppl., 5492-1 to 5492-

10. See the essay entitled "Commission of Public Records."

An act of 1935 created, in the executive department of the state, a commission on public records, consisting of the governor, secretary of state, state examiner, director of the state library, and director of the historical bureau. This act is almost identical with the act of 1939 creating a commission of public records in each county, except as to the provisions as to what officers shall be ex officio members of the commission.⁸²⁵

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The fragmentary early records now extant fail to reveal much concerning the first county buildings. Earlier historians, however, must have had access to records which now are missing, and to these we are indebted for such information as we have.

No courthouse was built at Evansville, the first county seat; nor was one built at Darlington for nearly a year after the removal of the seat of justice to that city. On August 15, 1815, Daniel Deckrow contracted to build the first courthouse, a hewn-log cabin 20' by 20' and 1½ stories in height. The courtroom was in the lower story. The upper story, which was divided into two rooms, must have seriously inconvenienced many of the taller pioneers—it was only 6' high.¹

Completed December 4, 1815, this building served until the relocation of the county seat at Boonville in 1818. Here a "small and rudely constructed" log cabin was built at the center of the public square. This gave no satisfaction, and shortly thereafter the board of commissioners ordered a brick courthouse 35' square to be erected; but it was never built "by general consent."²

Sometime prior to 1824 the log courthouse was replaced by a frame building (erected on a foundation of logs and stone), which was scarcely more satisfactory than its predecessor. The interior was never finished, and the building was only used in summer months.³ No steps, however, were taken toward constructing a new courthouse until January of 1834, when the

⁸²⁵ Acts 1935; Burns, 1939 suppl., 63-1901 to 63-1910; Baldwin, 1935 suppl., 15400-1 to 15400-10.

¹ *History of Warrick, Spencer and Perry Counties, Indiana*, (1885), 39.

² *Ibid.*, 40, 42.

³ *Ibid.*

commissioners ordered "that the County Agent proceed to the building of a Brick Courthouse in the town of Boonville so soon as four hundred Dollars are subscribed by good responsible men, and provided also that a majority of the County will express their approbation of the same, in writing by the next Term of this Court by way of petition."⁴

Perhaps the expected petition was not submitted; for some reason, at least, the board saw fit to rescind the above order at their March term and to conduct the business in the usual manner, ordering the agent to advertise for bids and adopting tentative and very general specifications.⁵ In May of the same year, the contract was let to James Pullen of Spencer County, at \$1,475, to be paid in three installments: One quarter upon commencement of the work; half on January 1, 1835; and the remainder on January 1, 1836.⁶ The old frame courthouse was sold at auction, with the stipulation that it was to be removed by the following March and that the buyer was to be given credit until January 1, 1836.⁷

The new courthouse was accepted from the contractor on November 3, 1835.⁸ Doors and windows were not included in the first contract, nor was the finishing of the interior; these were contracted for separately.⁹ Probably the courthouse was entirely completed early in 1837. It was a brick building, 36' square and 23' from the ground to the eaves.¹⁰ The first story was floored with "good hard brick laid flat wise and sand thrown over the pavement to fill all the vacancies necessarily occasioned between the bricks." The upper story was partitioned into offices.¹¹

This building served for 16 years and apparently was satisfactory; the commissioners, however, decided to build a new courthouse, and at the December term of 1849 ordered that there be built "a suitable and sufficient courthouse ... after the plan and form of the courthouse in Gibson County, Indiana."¹²

⁴ Commissioners' Records, 1:100.

⁵ *Ibid.*, 106.

⁶ *Ibid.*, 111. The cost of the courthouse complete was considerably greater than the figure here given on account of interior finishing, "extras", etc.

⁷ *Ibid.*, 140.

⁸ *Ibid.*, 168.

⁹ *Ibid.*, 171, 172, 207.

¹⁰ *Ibid.*, 106, 111.

¹¹ *Ibid.*, 207.

¹² *Ibid.*, 2:352.

This order was protested by "sundry citizens", but their petition was denied by the board, who proceeded to call for bids and let the contracts.¹³ Armer Reed was awarded the contract for stonework; John Spelman, for the brickwork; and the firm of Millspaugh & Byram, for the remainder of the work. These three contracts totalled \$5,300.¹⁴ It was decided to locate the courthouse on the southeast corner of the public square, on land owned by the state, which was requested to vacate the lot; but, the citizens again protesting, the board decided to locate the courthouse on the site of its predecessor in the center of the public square.¹⁵

According to specifications, the courthouse was 60' by 40' and two stories in height, with a stone foundation and brick walls. The upper story was divided by a central hall, running the length of the building.¹⁶ Millspaugh & Byram completed their work and were released from their contract on September 3, 1851;¹⁷ deductions and "extras" brought the aggregate cost of the courthouse to \$5,305.75.¹⁸

The first jail was built at Darlington by Lawrence Younce, who was given the contract on October 31, 1814. It was 18' square and two stories in height, constructed of 12" hewn timbers in the form of two walls with 6" of space between them, which space was filled with rock and gravel. As usual with early jails, it was two stories in height, with the lower story reserved for criminals and the upper for debtors, a trap door leading to the lower floor. It was specified that the doors in the jail were to be "well put together in the manner that jail doors ought to be done."¹⁹

A similar building was erected in Boonville in August 1818, after the relocation of the county seat.²⁰ Probably it was adequate, for a grand jury report of 1820 merely confined its criticism to "chips and rubbish" in the rooms, and a subsequent report in the same year, after repeating the former criticism, stated that "the Jail [is] strong."²¹ In March 1834

¹³ *Ibid.*, 372, 380.

¹⁴ *Ibid.*, 380, 381.

¹⁵ *Ibid.*, 378, 380.

¹⁶ *Ibid.*, 352.

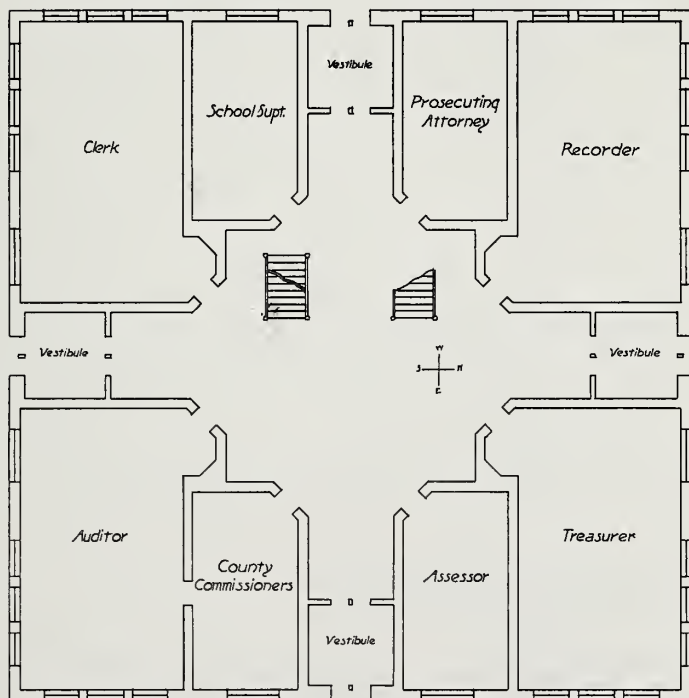
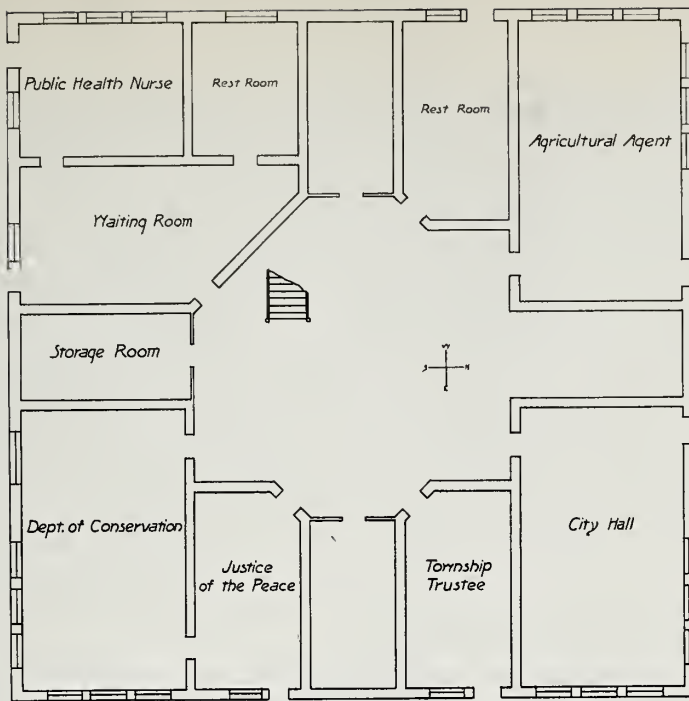
¹⁷ *Ibid.*, 489.

¹⁸ *Ibid.*, 417, 418.

¹⁹ *History of Warrick, Spencer, and Perry Counties, Indiana*, 38, 39.

²⁰ *Ibid.*, 42.

²¹ Common Plea, Probate, Circuit Court and Commissioners' Court Records, 1813-1831,



the board ordered the county agent to sell the jail; but they must have changed their minds, for the order was repeated in March 1836, and in September 1837 William L. Evans was appointed to draw plans for a new jail.²²

No jail was built, however, until 1838, when the agent was ordered to advertise for bids and specifications were outlined.²³ The contract called for the jail's completion by November 1839, but an extension was granted until December; nevertheless, the jail was completed on the former date and accepted by the board.²⁴ A brick building with a stone foundation, it had the same general dimensions as the first jail, and contained a "dungeon" in the second story, with a debtor's room in the first. Access to the "dungeon" was obtained via an outside stairway, and the room was sheeted with three-inch white oak plank.²⁵ A sizable two-story addition to the jail was constructed in 1845; the building was used until the erection of the present building.²⁶

The cornerstone of the present jail, a two-story brick building, was laid in 1876. The architect was J. K. Frick and the contractor J. G. Eigenman. A portion of the building is occupied by the sheriff's residence.

The present courthouse was constructed in 1904, at a cost of \$50,000. Designed by the firm of Harris & Schopbell and constructed by Howard Brothers, contractors,²⁷ it is a two-story brick building 97' by 97' in ground dimensions and 45' in height, exclusive of the clock tower. City, township, and county offices, as well as a storage room for old records, are contained in the basement; county offices, in the first story; and the circuit court and related offices in the second.

Flooring in the basement is of concrete; the corridors of the first and second stories are floored with tile; and the rooms in the first and second stories are floored with wood. The building is heated throughout by gas, a system which appears to cause some damage to the bindings of volumes. Other conditions are satisfactory unless otherwise noted below. A description of the more important offices having records follows:

²² Commissioners' Record, 1:106, 183, 236.

²³ *Ibid.*, 252, 256, 277, 278.

²⁴ *Ibid.*, 278, 286, 322.

²⁵ *Ibid.*, 277, 278.

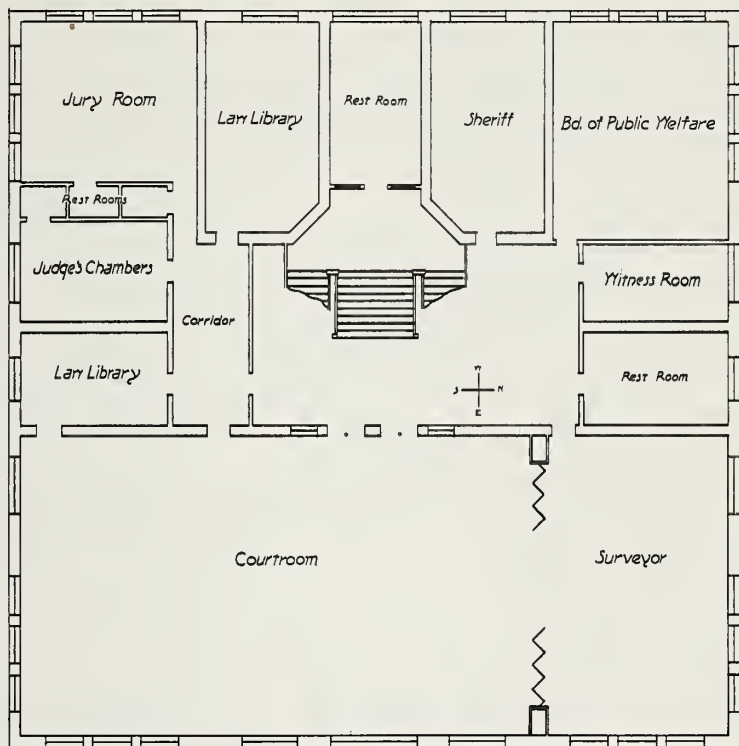
²⁶ *History of Warrick, Spencer, and Perry Counties, Indiana* 47.

²⁷ Commissioners' Record, 18:512.

Board of Commissioners. One percent of the records is in the clerk's office, 82 percent in the auditor's office, 10 percent in the surveyor's office, and 7 percent in the storage room.

County Council. All the records are in the auditor's office.

Clerk of the Circuit Court. The clerk's office, a room 40' by 23', lies at the southwest corner of the first floor. Seventy-four feet of volumes and 1,152' of unbound records are kept here; the room is rather crowded, and very little space for



2d Floor - Yarrick County Courthouse

expansion of the records is available. Ninety-eight percent of the clerk's records and portions of the records of the board of commissioners, the circuit court, the coroner, the registration officer, and the election boards, are housed here. The remaining 2 percent of the clerk's records are in the storage room.

Recorder. The recorder's office, at the northwest corner of the first floor, is identical in size with the clerk's. Most of the 500' of shelving is occupied by volumes, with

about 34' of unbound records. Additional shelving, for which space is available, will be necessary for expansion of the records. All the recorder's records are kept here.

Circuit Court. All the records are in the clerk's office.

Sheriff. The sheriff's office is located on the west side of the second floor, across the hall from the circuit court room. Measuring 29' by 15', it contains 4' of volumes and 5' of unbound records. All the records are kept here with the exception of one volume, which is kept in the office of the county jail.

Coroner. All the records, with the exception of two volumes, are in the clerk's office. One volume is in the prosecuting attorney's office (located on the west side of the first floor), and the other is in the auditor's office.

County Assessor. The assessor's office occupies a room 28' by 15', on the east side of the first floor. One hundred and forty feet of shelving are partially occupied by 49' of volumes and 6' of unbound records. Thirty-three percent of the records are kept here, 5 percent are in the auditor's office, and 62 percent are in the storage room. The miners' examination board makes use of this office and keeps all its records here; portions of the records of the board of review and the auditor are likewise housed here.

County Board of Review. The records of the board comprise two volumes and one file box, one volume of which is kept in the assessor's office; the file box and the other volume are in the auditor's office.

County Board of Tax Adjustment, Board of Finance, County School Fund Board. All the records are in the auditor's office.

Treasurer. The treasurer's office, situated at the northeast corner of the first floor, has the same dimensions as those of the clerk, recorder, and auditor—40' by 23'. It contains approximately 120' of shelving, located under a counter in the center of the room on which about 51' of volumes and 6' of unbound records, comprising 33 percent of the treasurer's records are housed. Space is available for the expansion of the records. One percent of the records is in the auditor's office, and the remainder in the storage room.

Auditor. The auditor's office is located at the southeast corner of the first floor and is identical in size with the treasurer's. Records of a number of officers and boards, in addition to those of the auditor, are kept here. These comprise approximately 32' of volumes and 395' of unbound records. Space for expansion of the records can be obtained. Thirty-

six percent of the auditor's records are housed here, 34 percent in the assessor's office, and 30 percent in the storage room.

Registration Officer. All the records are in the clerk's office.

Board of Primary Election Commissioners, County Board of Canvassers, County Board of Election Commissioners. Ninety-four percent of the records of each of these three boards are in the auditor's office, and the other 6 percent in the storage room.

County Board of Education. All the records are in the office of the superintendent of schools.

County Superintendent of Schools. The superintendent's office, 28' by 15', lies on the west side of the first floor. All the records of the superintendent and the board of education, comprising 1' of volumes and 62' of unbound records, are kept here.

County Health Officer. The records are kept in the office of the incumbent.

Public Health Nurse. A room 23' by 19', in the southwest corner of the basement, houses the nurses office. Thirty-six feet of unbound records—all the records of the nurse—are kept in this room. The present equipment is adequate and will permit expansion of the records.

County Department of Public Welfare. The welfare office, a room 30' by 23', is situated at the northwest corner of the second floor, and houses 3' of volumes and 7' of unbound records. All the records of the department (with the exception of one volume kept in the auditor's office) are kept here.

Surveyor. The surveyor's office is situated at the northeast corner of the second floor; the room is 40' by 24' and is equipped with 24' of wooden shelving, housing 5' of volumes and 15' of unbound records. All the surveyor's records, as well as a portion of the highway supervisor's, are kept in this room.

County Highway Supervisor. The supervisor's office, in the County Highway Garage, houses 12 percent of the records; 16 percent are in the auditor's office; 40 percent are in the surveyor's office; and the remaining 32 percent are in the storage room.

Miners' Examination Board. All the records are in the assessor's office, which is also used by the board.

County Agricultural Agent. An office in the northwest corner of the basement is occupied by the agricultural agent and houses all his records. The office is 39' by 23' and is equipped with filing cabinets which contain about 17' of unbound records. The equipment is adequate, permitting expansion of the records.

Storage Room. The storage room, in which older records of several offices are housed, is located on the south side of the basement. Twenty-three feet by 12' in size, the room has a concrete floor, brick walls, and a plastered ceiling; it is poorly lighted and rather damp. The shelving along the east and west walls and in the center of the room, is almost entirely occupied by 213' of volumes and 29' of unbound records, and very little space for expansion can be obtained. The room houses records of the board of commissioners, the clerk, the assessor, the treasurer, the auditor, the three election boards, and the highway supervisor.

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5. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

The Style Manual of the United States Government Printing Office is the authority followed herein.

agr. agt.	agricultural agent('s)
alph.	alphabetical(ly)
App.	Appellate court reports of the State of Indiana
approx.	approximate(ly)
arr.	arranged
art.	article
assr.	assessor('s)
aud.	auditor('s)
bd.	board
bdl.	bundle(s)
bk.	book
Blackf.	Blackford Reports
bldg.	building
bsmt.	basement
c	copyright (before date)
C. C.	County Courthouse
cf.	compare
ch.	chapter
chron.	chronological(ly)
cir. ct.	circuit court
clk.	clerk('s)
comr.	commissioner('s)
Const.	Constitution of Indiana (refers to present constitution unless date follows)
cor.	coroner
ct. rept.	court reporter
diam.	diameter
<i>et</i>	and
<i>et al.</i>	<i>et alii</i> —and others
<i>et seq.</i>	<i>et sequentia</i> —and following
<i>ex rel.</i>	<i>ex relatione</i> —upon relation of. (Designates the person at whose instance the state or a public officer is acting)
f. b.	file box(es)
f. d.	file drawer(s)
hdw.	handwritten
high. sup.	highway supervisor('s)
H. J.	House Journal (Indiana House of Representatives)

hlth. offr.	health officer('s)
ibid.	<i>ibidem</i> (same reference as that immediately foregoing)
Ind.	Indiana: <i>Indiana Reports</i> . (when preceded by the volume number, reference is to the official state supreme court reports)
insp.	inspector
juv.	juvenile
lb.	pound
loc. cit.	<i>loco citato</i> —in the place cited. (After the name of book or article, refers to previous page(s) cited in the same work)
mi.	mile
n.	note
n. d.	no date
N. E.	<i>North Eastern Reporter</i> (judicial decisions). 2d—Second series.
no., nos.	number(s)
num.	numerically
off.	office
offr.	officer
op. cit.	<i>opere citato</i> —in the work cited. (After author's name, refers to previous work cited under his name)
p., pp.	page(s)
<i>passim</i>	here and there (referring to references too numerous to enumerate)
<i>pro tem.</i>	<i>pro tempore</i>
prob. comr.	probate commissioner
pros. atty.	prosecuting attorney('s)
pt.	part
ptd.	printed
pub. welf.	public welfare
pvt.	private
rec.	record
recr.	recorder('s)
reg.	register
Rev. Laws	<i>Revised Laws of Indiana</i>
Rev. Stat.	<i>Revised Statutes of Indiana</i>
rm.	room
sec., secs.	section(s)
sher.	sheriff('s)
sic	thus (indicating expression, misspelling, etc., is the same as in the original)

<i>S. J.</i>	<i>Senate Journal (Indiana Senate)</i>
Spec. Sess.	Special Session
sta.	station
stat.	statutes
stor.	storage
sub-bsmt.	sub-basement
suppl.	supplement
supr. ct.	superior court
supt.	superintendent('s)
surv.	surveyor('s)
treas.	treasurer('s)
twp., twps.	township(s)
U. S.	United States
<i>U. S. C.</i>	<i>United States Code</i>
v.	versus
vol., vols.	volume(s)
vt.	vault
'	foot, feet
"	inch(es) (omitted after dimensions in entries)
x	by, in dimensions

EXPLANATORY NOTES

The inventory of the records of each branch of the county government is preceded by an essay explaining its legal status and functions.

In some instances, records shown as being legally required do not appear in the inventory. Such omissions reflect the record situation and are not the result of an inadequate survey.

Entries are grouped under a functional classification, with headings and subheadings according to relative functions and with cross-references to allied subjects. Every entry has two parts or paragraphs: Title and description. Occasionally an entry has a third (cross-reference) paragraph.

1. The title paragraph consists of:

Entry number. The entries are numbered consecutively.

Exact title (in capitals and small capitals) as it appears on the record. Titles enclosed in brackets are supplied by The Historical Records Survey, if the volume or file bears no title. Supplementary titles (in capitals and lower-case letters), enclosed in brackets, are also supplied where it is necessary to explain the types of records more fully, or where the exact title borne by the record is incorrect, misleading, or nondescriptive.

Dates of the period covered by the record, showing inclusive beginning and ending dates by years only. Missing records are indicated by a break in the dates. A dash in place of an ending date denotes an open record. In entries, where one or more records are replaced by another record, the month and day are given for the discontinued record. In entries of open records, when the last entry is not current, a note follows: "Last entry"—with day, month, and year. Where no statement is made that the record was discontinued at the last date shown in the entry, it could not be definitely established that such was the case. Where no comment is made on the absence of prior or subsequent records, no definite information could be obtained.

Quantity and labelling, given in chronological order wherever possible.

Variations in title. Current or most recent title used as entry title; if former titles vary, they are shown.

Changes in keeping records. Occasionally the county record is discontinued or is kept by some other authority—state or other county office.

II. The description consists of:

A statement of the nature, contents, and purpose of the record, with a summary of the column headings or subjects treated. The current record, except as otherwise noted, is described. The contents over a long period of years may themselves vary; therefore, over the entire period the description may vary to some degree. In the description of map and plat records, the scale and the names of author and publisher are given whenever available. No mention thereof denotes that these data are not known.

Method of arrangement: Chronological, topical, or other system.

Method of indexing, pertaining to self-contained indexes. Separate indexes are noted also, with a cross-reference thereto.

Nature of recording: Handwritten, typewritten, or printed. Modern records are almost exclusively in printed form, filled in by hand or typewritten as stated in entry. Maps and plats are drawn, blueprinted, or printed.

Condition. Omitted if good or excellent.

Number of pages averaged for a series.

Size of volumes in the order of height, width, and thickness, averaged for a series; of file boxes and file drawers, in the order of height, width, and depth. It is given in inches in all instances; hence the inch sign is omitted.

Location. The place of custody (the room in which the records are located) is in the courthouse unless another building is specified either in the entry or in the essay on the legal status of the office. The locations given are those effective at the time the survey was made.

III. Cross-referencing may occur in three places:

In the title paragraph it is used to show a complete series where another method of keeping the record was used in the past or is used at present; also, to show other records with which the record is combined.

In the description paragraph, to show the contents of volumes or files containing unrelated records.

In the third paragraph, to prior and subsequent records or allied subjects; to subjects on which supplementary information may be found in other entries; and to records which have related functions.

PART B. COUNTY OFFICES AND THEIR RECORDS

I. BOARD OF COMMISSIONERS

The board of commissioners of Warrick County is a statutory body composed of three members,¹ elected for terms of three years, each term commencing in a different year.² A commissioner holds office until his successor has been elected and qualified.³ He receives a certificate of election from the clerk of the circuit court, and is not commissioned by the governor.⁴ The county is divided into three districts and one commissioner is elected from the residents of each district by the voters of the whole county.⁵ A commissioner must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁶ and, while holding the office of county commissioner, he must reside within the county, and must not hold any other lucrative office.⁷ Each commissioner must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁸ He receives a regular salary of \$300 per year.⁹

For sufficient legal grounds, any county commissioner may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹⁰ If any commissioner is

¹ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

² 1 Rev. Stat. 1852; Burns 26-603; Baldwin 5217. Acts 1885; Burns 26-604; Baldwin 5218.

³ Const., art. 15, sec. 3. Acts 1885; Burns 26-604; Baldwin 5218.

⁴ Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096.

⁵ 1 Rev. Stat. 1852; Burns 26-602; Baldwin 5216.

⁶ Const. 1816, art. 11, sec. 14. Const., art. 6, sec. 4.

⁷ Const. 1816, art. 11, secs. 6, 13. Const., art. 2, sec. 9; art. 6, sec. 6.

⁸ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 26-605; Baldwin 5219.

⁹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹⁰ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836 Baldwin 13154 to 13166, 13050, 13163. Acts 1875; Burns 49-837; Baldwin 13052.

convicted of a felony, the judgment of conviction must declare his office vacant.¹¹

Any vacancy in the office of county commissioner, or any prospective vacancy caused by death or resignation before time for commencement of the term of a commissioner-elect, is filled at any time through appointment by the commissioners in office. In the event of a tie vote, the auditor casts the deciding vote.¹²

Since February 3, 1817 the general administrative control of county matters has been vested in a board of commissioners, composed of three members (individually known as county commissioners) elected by voters of the whole county from the residents of three commissioners' districts, subject to exceptions herein stated. County business was transacted from April 1813 until December 31, 1813 by the judges of the court of common pleas; from August 30, 1814 until February 3, 1817 by the associate judges of the circuit court; from September 6, 1824 until August 1, 1831, February 11, 1843 until August 7, 1843, and January 15, 1844 until December 29, 1846 by a board of justices composed of all the justices of the county; and from December 29, 1846 until August 6, 1849 by a board of justices composed of one justice from each township in the county. From January 1, 1814 until August 30, 1814 the law authorized associate judges of the circuit court to transact county business, but the law was considered invalid and for that reason the judges failed to act. Since 1899 many powers of a fiscal nature (including the making of tax levies) previously exercised by the board of commissioners have been vested exclusively in the county council.¹³

¹¹ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹² 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

¹³ Const., art. 6, sec. 10. Acts 1807, ch. 11, sec. 18; ch. 17, secs. 1, 2, 4, 10; ch. 20, secs. 5, 6, 9; ch. 23, secs. 1, 2, 4-6, 9, 10, 20-22, 26, 28, 30; ch. 30, secs. 2, 3; ch. 33 (misnumbered 31), secs. 1, 2, 6; ch. 36, secs. 5-11; ch. 39, secs. 1, 4; ch. 40, sec. 12; ch. 44, secs. 1-24; ch. 47, secs. 1, 2; ch. 48, secs. 7, 12; ch. 51, secs. 1, 8-17, 19, 20, 22; ch. 52, sec. 1; ch. 58, secs. 1, 2; ch. 64, sec. 11; ch. 65, secs. 1-3; ch. 71, secs. 1, 2; ch. 80, sec. 2; ch. 84, sec. 1; ch. 92, secs. 1, 9, 16, 19, 31. Acts 1808, ch. 14, secs. 1, 2; ch. 24, secs. 1-5. Acts 1810, ch. 24, sec. 4; ch. 28, secs. 1, 2. Acts 1811, ch. 11, sec. 1; ch. 16, secs. 2-4, 16, 18; ch. 29, secs. 1, 2; ch. 35, secs. 1, 6-9, 12, 15, 17; ch. 37, secs. 1, 5, 8-10. Acts 1813, ch. 2, secs. 1, 3; ch. 3, sec. 2; ch. 4, sec. 2; ch. 8, secs. 1, 2, 6, 9, 11, 12, 14, 16, 20, 23; ch. 9, sec. 1; ch. 10, secs. 1, 2, 4, 5; ch. 19, secs. 1, 2; ch. 21, sec. 2; ch. 23, secs. 1, 2; ch. 25, sec. 1. Acts 1813-14, ch. 12, secs. 1, 2; ch. 29; ch. 32, secs. 1, 3, 5; ch. 33, secs. 1, 8. Acts 1814, ch. 13, secs. 3, 4; ch. 20, sec. 9. Acts 1815, ch. 5, secs. 1, 3, 16; ch. 17, secs. 1, 2. Acts 1816-17, ch. 14, sec. 1; ch. 15. Acts 1817-18 (general), ch. 41. Rev. Laws 1824, chs. 15, 16. Rev.

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of Warrick." As such, and in such name, the board may sue and be sued. It possesses duties, rights, and powers incident to corporations.¹⁴ In legal contemplation, the board is the county.¹⁵

The board of commissioners may purchase and sell property for the county;¹⁶ has control of the county property;¹⁷ has charge of the purchase of materials and supplies needed by the county officials;¹⁸ has charge of the construction and maintenance of roads,¹⁹ bridges, culverts,²⁰ waterways,²¹ and county buildings;²² has the power of eminent domain;²³ provides office rooms for county officers;²⁴ prepares annual budget estimates;²⁵ may authorize tax refunds;²⁶ allows

Laws 1831, ch. 20. Rev. Stat. 1838, ch. 21. Acts 1842-43 (general), ch. 61. Rev. Stat. 1843, ch. 7, art. 1. Acts 1843-44 (general), ch. 54. Acts 1846-47 (local), ch. 51. Acts 1848-49 (general), ch. 28. 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 17, 18, 21, 22. Acts 1899; Burns 26-501 to 26-551; Baldwin 5365 to 5414. 1 Rev. Stat. 1852; Burns 26-601 to 26-639; Baldwin 5215 *et seq.* Snider v. State ex rel. Lenp (1934), 206 Ind. 474, 190 N. E. 178.

¹⁴ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220.

¹⁵ Dice v. County Board of Finance (1934), 99 Ind. App. 405, 192 N. E. 770.

¹⁶ Acts 1899; Burns 26-534; Baldwin 5399. Acts 1907; Burns 26-2008; Baldwin 5107. Acts 1899; Burns 28-250 to 28-257; Baldwin 6602 to 6609.

¹⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236.

¹⁸ Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

¹⁹ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8839 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8679 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

²⁰ Acts 1905, 1907, 1929; Burns 36-1901 *et seq.*; Baldwin 9236 *et seq.* Acts 1905, 1911, 1913; Burns 36-2001 *et seq.*; Baldwin 9191 *et seq.* Acts 1920 (Spec. Sess.); Burns 36-2404; Baldwin 9154.

The board may purchase toll bridges. Acts 1861; Burns 26-1415; Baldwin 5329.

²¹ Acts 1883; Burns 26-1401 to 26-1412; Baldwin 5313 to 5323. Acts 1873; Burns 26-1413, 26-1414; Baldwin 5291, 5292. Acts 1905; Burns 68-101 to 68-107; Baldwin 16324 to 16330.

²² 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1907; Burns 26-2002, 26-2004; Baldwin 5101, 5103.

²³ Acts 1937; Burns, 1939 suppl., 26-640; Baldwin, 1937 suppl., 5236-1. Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

²⁴ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1899; Burns 26-625; Baldwin 5241. 1 Rev. Stat. 1852; Burns 49-3202; Baldwin 5470.

²⁵ Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

²⁶ Acts 1919, 1927, 1929; Burns 64-2819 to 64-2821; Baldwin 15881, 15882, 15885.

claims against the county;²⁷ issues bonds;²⁸ may establish or abolish townships and election precincts, and change the boundary lines thereof;²⁹ provides rooms, booths, and ballot boxes for elections, and may provide voting machines;³⁰ may establish and maintain libraries³¹ and hospitals;³² may establish a workhouse and employ a superintendent thereof;³³ inspects the county jail³⁴ and poor asylum;³⁵ may prescribe regulations governing the work of prisoners outside the jail;³⁶ maintains standards of weights and measures;³⁷ may order the establishment of a permanent meridian line in the county;³⁸ may regulate traffic on the county highways;³⁹ may enforce regulations of the Administrative Building Council of Indiana;⁴⁰ may determine the question of public utility of a levee petitioned for by a levee association;⁴¹ may make special assessments to pay the cost of construction of roads;⁴² may subscribe for and preserve newspapers printed in the county;⁴³ may reproduce mutilated or decayed records;⁴⁴ may administer oaths, enforce its orders, and punish for contempt;⁴⁵ may

²⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256.

²⁸ 1 Rev. Stat. 1852, Acts 1869; Burns 26-1001 *et seq.*; Baldwin 5242 *et seq.*

²⁹ Townships. Acts 1859, 1939; Burns, 1939 suppl., 26-701; Baldwin, 1939 suppl., 16055. Acts 1919; Burns 26-705; Baldwin 16059.

Election precincts. Acts 1889, 1907; Burns 29-801 *et seq.*; Baldwin 7089 *et seq.* Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

³⁰ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1889; Burns 29-1101; Baldwin 7101. Acts 1897; Burns 29-1121; Baldwin 7135.

³¹ Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321.

³² Acts 1903; Burns 22-3201; Baldwin 4507.

³³ Acts 1879 (Spec. Sess.); Burns 13-1101, 13-1102; Baldwin 13759, 13760.

³⁴ Acts 1909; Burns 13-1008; Baldwin 13460.

³⁵ 1 Rev. Stat. 1852, Acts 1899; Burns 52-205; Baldwin 13373.

³⁶ Acts 1905; Burns 9-2229; Baldwin 2336.

³⁷ 1 Rev. Stat. 1852; Burns 69-101.

³⁸ Acts 1895; Burns 49-3307; Baldwin 5513.

³⁹ Acts 1919; Burns 36-706; Baldwin 8899.

⁴⁰ Acts 1923; Burns 20-401, 20-408; Baldwin 4603, 4610.

⁴¹ Acts 1913, 1927; Burns 27-915; Baldwin 10241.

⁴² Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

⁴³ 1 Rev. Stat. 1852; Burns 26-626; Baldwin 5285.

⁴⁴ Acts 1877; Burns 26-634, 26-635; Baldwin 5339, 5340.

⁴⁵ 1 Rev. Stat. 1852; Burns 26-619; Baldwin 5233.

authorize the payment of bounties;⁴⁶ may offer rewards in case of murder or lynching;⁴⁷ examines the treasurer's quarterly reports,⁴⁸ and makes annual settlements with him;⁴⁹ annually prepares a statement of the receipts and disbursements of the previous year, and causes it to be published and posted;⁵⁰ may approve (subject to further approval by the state board of accounts) the installation of a modern tax-accounting system in the offices of the auditor and treasurer;⁵¹ may authorize county officers to use a photographic process for recording deeds, mortgages, and other instruments;⁵² may license ferries⁵³ and fix ferry rates;⁵⁴ may authorize elections for the incorporation of towns;⁵⁵ may authorize a town to annex unplatted lots;⁵⁶ may specify "what kind of animals shall be allowed to pasture or run at large on the uninclosed lands or public commons" within the bounds of any township in the county;⁵⁷ is authorized to appoint a county highway supervisor,⁵⁸ a county health officer,⁵⁹ a public health nurse,⁶⁰ a county inspector of weights and measures,⁶¹ an appraiser of state lands,⁶² certain justices of the peace,⁶³ five members of a county planning commission,⁶⁴ and three members of

⁴⁶ 1 Rev. Stat. 1852, Acts 1875, 1883, 1911; Burns 26-1101 to 26-1103, 26-1105, 26-1106; Baldwin 5288, 3802, 5289, 5293, 5294.

⁴⁷ Acts 1899; Burns 26-1104; Baldwin 5290.

⁴⁸ Acts 1895, 1913; Burns 49-1402; Baldwin 7578.

⁴⁹ Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

⁵⁰ Acts 1899; Burns 26-546; Baldwin 5411.

⁵¹ Acts 1937; Burns, 1939 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

⁵² Acts 1927; Burns 49-3207; Baldwin 14667.

⁵³ Acts 1881 (Spec. Sess.), 1911; Burns 36-2501 to 36-2504; Baldwin 7676 to 7679. 1 Rev. Stat. 1852, Acts 1855; Burns 36-2601 to 36-2607; Baldwin 7691 to 7697. Acts 1881 (Spec. Sess.), 1897; Burns 36-2608 to 36-2618; Baldwin 7698 to 7708. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443.

⁵⁴ Acts 1881 (Spec. Sess.), 1897; Burns 36-2615; Baldwin 7705.

⁵⁵ Acts 1905; Burns 48-105; Baldwin 11328.

⁵⁶ Acts 1909; Burns 48-707, 48-708; Baldwin 11340, 11341.

⁵⁷ 1 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 16-101, 16-102; Baldwin 5028, 5029.

⁵⁸ Acts 1933; Burns 36-1110; Baldwin 8708.

⁵⁹ Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

⁶⁰ Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

⁶¹ Acts 1911, ch. 263, sec. 3. Acts 1913, ch. 161, sec. 1. Acts 1925; Burns 69-104, 69-107; Baldwin 16335, 16338.

⁶² Acts 1889; Burns 62-207; Baldwin 15273.

⁶³ Acts 1891, 1923; Burns 5-109, 5-110; Baldwin 1833, 1834.

⁶⁴ Acts 1935; Burns, 1939 suppl., 26-2301; Baldwin, 1935 suppl., 5205-1.

a miners' examination board;⁶⁵ may employ a county attorney,⁶⁶ tax ferrets,⁶⁷ a civil engineer (if the surveyor is not a competent civil engineer),⁶⁸ a county veterinarian,⁶⁹ a physician for poor persons (in county institutions) and prisoners;⁷⁰ may authorize the appointment of deputy county officers;⁷¹ approves the official bonds⁷² of the auditor,⁷³ clerk of the circuit court,⁷⁴ coroner,⁷⁵ county highway supervisor,⁷⁶ recorder,⁷⁷ sheriff,⁷⁸ surveyor,⁷⁹ and treasurer;⁸⁰ may remove a delinquent county treasurer after suit on his official bond has been commenced;⁸¹ and may appoint successors in case of any vacancy in the offices of auditor, clerk of the circuit court, coroner, county assessor, surveyor, sheriff, treasurer,⁸² and any officers originally appointed to office by the board of commissioners.⁸³ Appointments made by the board are certified by the auditor.⁸⁴

The members of the board of commissioners are *ex officio*

⁶⁵ Acts 1923; Burns 46-1001; Baldwin 11073.

⁶⁶ Acts 1917; Burns 10-3103; Baldwin 822. Acts 1899; Burns 26-519; Baldwin 5383.

⁶⁷ Acts 1905; Burns 64-2830; Baldwin, 1935 suppl., 15696-1.

⁶⁸ 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁶⁹ Acts 1915; Burns 16-701; Baldwin 3851.

⁷⁰ 1 Rev. Stat. 1852, ch. 3, sec. 8. Acts 1859, ch. 5, sec. 1. Acts 1899; Burns 26-533; Baldwin 5398. Lamar v. Board of County Comrs. (1892), 4 Ind. App. 191, 30 N. E. 912.

⁷¹ Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. Acts 1937; Burns, 1939 suppl., 49-3330; Baldwin, 1937 suppl., 5511-1.

⁷² Acts 1851-52; Burns 49-123; Baldwin 13093.

⁷³ Acts 1859; Burns 49-3003; Baldwin 5417.

⁷⁴ Acts 1875; Burns 49-2703; Baldwin 1430.

⁷⁵ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

⁷⁶ Acts 1925; Burns 69-106; Baldwin 16337.

⁷⁷ Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

⁷⁸ Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

⁷⁹ Acts 1913; Burns 49-3302 to 49-3304; Baldwin 5505 to 5507.

⁸⁰ 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548.

⁸¹ 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

⁸² 1 Rev. Stat. 1852; Burns 49-405; Baldwin 13104. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁸³ See the authorities cited above for the appointment of officers by the board of commissioners.

⁸⁴ 1 Rev. Stat. 1852; Burns 49-204; Baldwin 13098.

members of the board of finance.⁸⁵ The president of the board of commissioners is an ex officio member of the commission of public records.⁸⁶

Before 1909 the board of commissioners audited the books and accounts of all officers handling county funds. Since 1909 such duties have been performed by the state examiner instead of the board of commissioners.⁸⁷ Formerly the board of commissioners granted poll tax exemptions,⁸⁸ annually selected two free students of Purdue University,⁸⁹ and received reports of the circuit judge concerning his examination of the office of the clerk of the circuit court.⁹⁰

The board of commissioners has always had the power to establish, construct, and maintain roads. From 1879 until 1913, the board constituted, ex officio, a board of turnpike directors for the management and control of all free turnpikes in the county. The board divided the county into three districts, and each director had personal supervision of one of such districts.⁹¹ From 1913 until 1933 county roads were in charge of a county superintendent of highways appointed by the board.⁹² Since 1933 the supervision of county roads has been a duty of the surveyor unless the board appoints a county highway supervisor.⁹³ The surveyor is serving as county highway supervisor in Warrick County.⁹⁴

The county council and the board of commissioners, acting together, approve the acceptance of lands given or devised to

⁸⁵ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50. See the essay entitled "Board of Finance."

⁸⁶ Acts 1939, ch. 91, sec. 1. See the essay entitled "Commission of Public Records."

⁸⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. Acts 1895; Burns 49-1409; Baldwin 7584. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Acts 1909; Burns 60-211; Baldwin 13862. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁸⁸ 1 Rev. Stat. 1852, ch. 20, sec. 30. *Opinions of the Attorney General of Indiana, 1937*, p. 321.

⁸⁹ Acts 1877 (Spec. Sess.), ch. 29, secs. 1, 2. Acts 1929, ch. 2, sec. 1. These laws were repealed by Acts 1935, ch. 184, sec. 2.

⁹⁰ 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439.

The examination of the clerk's office is now made by the state examiner instead of the circuit judge. Acts 1909; Burns 60-211; Baldwin 13862. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁹¹ Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

⁹² Acts 1913, ch. 330, sec. 1.

⁹³ Acts 1933; Burns 36-1101, 36-1110; Baldwin 8699, 8708.

⁹⁴ See the essay entitled "County Highway Supervisor."

the county for purposes of a public forest;⁹⁵ hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit court;⁹⁶ determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;⁹⁷ and rebuild courthouses and jails destroyed by fire or windstorm, and issue bonds to defray the expense thereof.⁹⁸

A regular session of the board of commissioners begins on the first Monday of each month and continues so long as the necessary business of the session requires.⁹⁹ Special sessions are held when called by the auditor, or, in case of death or disqualification, by the clerk of the circuit court or the recorder, respectively.¹⁰⁰ Any two members constitute a quorum to do business.¹⁰¹ The sheriff, in person or by deputy, attends the meetings of the board and executes its orders.¹⁰² All meetings of the board are open to the public.¹⁰³ The board adopts regulations for the transaction of business; and in the trial of causes it is required to comply, so far as practicable, with the rules for conducting business in the circuit court.¹⁰⁴ Whenever, in the trial of any cause, two or more members of the board are disqualified, the circuit judge appoints special commissioners to act in their places.¹⁰⁵ Members of the board of commissioners are privileged from arrest and from obeying any subpoena to testify, during any session of the board and while going to and returning from the same.¹⁰⁶

Though appeals may be taken to the circuit court to review all judicial decisions of the board, no appeal lies from the action of the board in a purely ministerial or administrative

⁹⁵ Acts 1929; Burns 32-105; Baldwin 4879.

⁹⁶ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6146.

⁹⁷ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

⁹⁸ Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

⁹⁹ Acts 1899; Burns 26-550; Baldwin 5221.

¹⁰⁰ Acts 1863, 1899; Burns 26-607 to 26-610; Baldwin 5222 to 5225.

¹⁰¹ 1 Rev. Stat. 1852, Acts 1928; Burns 26-601; Baldwin 5215.

¹⁰² 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

¹⁰³ 1 Rev. Stat. 1852; Burns 26-623; Baldwin 5239.

¹⁰⁴ 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

¹⁰⁵ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

¹⁰⁶ 1 Rev. Stat. 1852; Burns 3-401; Baldwin 721.

capacity, unless a statute specifically allows it.¹⁰⁷ Appeals are authorized in proceedings concerning claims against the county,¹⁰⁸ removal of county seat,¹⁰⁹ establishment or vacation of public ferry,¹¹⁰ establishment or modification of townships,¹¹¹ and highway matters.¹¹²

The auditor, as clerk of the board, attends its meetings, keeps a record of the proceedings, and preserves in his office all the books and papers touching the business of the county.¹¹³

PROCEEDINGS AND REPORTS

1. COUNTY COMMISSIONERS' DOCKET, 1888-1910. 2 vols. Discontinued.

Record of filing of actions in commissioners' court, showing dates of filing and hearing, names of principals, and number and nature of cause. Arr. chron. by dates of filing. No index. Hdw. 240 pp. 18 x 11 x 2. Bsmt. stor. rm.

2. COMMISSIONERS' RECORD, 1830-. 24 vols. (1-24). 1824-29 in Common Plea, Probate, Circuit Court and Commissioners' Court Records, entry 3.

Minutes of meetings of board of commissioners, showing date of meeting, names of members present, subjects of business discussed, and action taken. Also contains: Record of Retailers' Bonds Approved by Commissioners, 1830-74, entry 6; Commissioners' Claim and Allowance Record, 1830-1909, entry 15; Commissioners' Road Record, 1830-94, entry 20; Commissioners' Ditch Record, 1830-99, entry 23. Arr. chron. by dates of meetings. No index. 1830-1932, hdw.; 1933-, typed. 600 pp. 18 x 12 x 2. Aud. off.

3. COMMON PLEA, PROBATE, CIRCUIT COURT, COMMISSIONERS' COURT RECORDS, 1813-31. 1 vol.

Record of meetings of county board of justices, 1824-29, showing same information as in entry 2. Also contains: Order Book [Civil], 1813-19, entry 123; [Order Book, Territorial Common Pleas Court], Oct. term 1813, entry 126; Criminal

¹⁰⁷ 1 Rev. Stat. 1852; Burns 26-901. State ex rel. Starry v. Board of County Comrs. (1893), 136 Ind. 207, 35 N. E. 1100.

¹⁰⁸ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

¹⁰⁹ Acts 1885 (Spec. Sess.); Burns 26-410.

¹¹⁰ 1 Rev. Stat. 1852; Burns 36-2615; Baldwin 7705.

¹¹¹ Acts 1859, 1939; Burns, 1939 suppl., 26-701; Baldwin, 1939 suppl., 16055.

¹¹² Acts 1905; Burns 36-1501; Baldwin 8858.

¹¹³ 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

Order Book, 1813-19, entry 145; Order Book, Probate, 1817-Oct. 1831, entry 163. Arr. chron. by dates of meetings. No index. Hdw. 900 pp. 12 x 10 x 5. Clk. off.

4. INVENTORY COUNTY ASYLUM, 1891-. 1 vol.

Record of inventories of equipment and supplies of county institutions, showing date of inventory, name of institution, and amounts and valuations of equipment and supplies. Arr. chron. by dates of inventories. Indexed alph. by names of institutions. Hdw. 165 pp. 12 x 7 x 1. Aud. off.

5. SEMINARY REPORTS, 1839-43. 1 vol.

Record of reports to board of commissioners on conditions of seminary funds, showing date of report, name of borrower, amounts of principal and interest, and balance in fund. Arr. chron. by dates of reports. No index. Hdw. Condition poor. 150 pp. 14 x 7 x 1½. Clk. off.

LIQUOR LICENSES

6. RECORD OF RETAILERS' BONDS APPROVED BY COMMISSIONERS, 1875-1917. 5 vols. 1830-74 in Commissioners' Record, entry 2. Discontinued by an act of 1918.

Record of applications, licenses granted and bonds posted to retail alcoholic beverages, showing dates of application, license and bond, number of license, amount and conditions of bond, and names of principal and sureties. Arr. chron. by dates of applications. No index. Hdw. 300 pp. 16 x 11 x 1½. Aud. off.

7. REPORT OF COUNTY RETAIL LIQUOR LICENSE, 1911-16. 2 f. b. Discontinued by an act of 1918.

Original applications for licenses to retail spirituous liquors, showing dates of application and filing, name of applicant, location and description of place of business, and action of board of commissioners. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Esmt. stor. rm.

BOND ISSUES

8. REGISTER OF BONDS, 1902-. 2 vols. (1, 2).

Register of county bond issues, showing dates of issue, maturity and redemption, serial number, amount, title and purpose of bond issue, and name of purchaser. Arr. chron. by dates of issues. Indexed alph. by titles of bonds. Hdw. 210 pp. 19 x 12 x 1½. Aud. off.

9. ROAD BONDS, 1879-. 19 f. b.

Redeemed bonds and coupons, showing dates of bond, coupon and redemption, name of purchaser, and number, amount and purpose of bond. Arr. chron. by dates of redemption. No index. Printed. 13 f. b.; 6 x 6 x 12; 6 f. b., 10 x 4 x 14. 13 f. b., 1879-1925, bsmt. stor. rm.; 6 f. b., 1926-, aud. off.

REQUISITIONS, BIDS AND CONTRACTS

10. REQUISITION FOR SUPPLIES, 1922-. 2 f. b.

Requisitions for supplies for county institutions approved by board of commissioners, showing dates of requisition and approval, name of institution, and itemized list of supplies. Arr. chron. by dates of requisitions. No index. Hdw. 10 x 4 x 14. Aud. off.

11. ESTIMATE OF EXPENSE OF COUNTY ASYLUM, 1909-. 3 f. b.

Estimates and bids submitted to board of commissioners for supplies for county asylum, showing dates of estimate, bid and filing, names of asylum, superintendent and bidder, itemized list of supplies, and price quoted. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

12. BIDDERS' RECORD, 1935-. 1 vol.

Record of all bids submitted for materials, supplies and construction projects, showing requisition and item numbers, quantity, unit price, name of bidder, dates of publication, opening of bid and purchase order, name of publication, and volume and page reference to Commissioners' Record, entry 2. Arr. chron. by dates of opening of bids. No index. Hdw. 400 pp. 14 x 13 x 2. Aud. off.

13. BONDS, 1905-. 6 f. b.

Original bonds posted by contractors to guarantee fulfillment of conditions of contracts, showing date, amount and conditions of bond, and names of contractor and sureties. Arr. chron. by dates of bonds. No index. Hdw. and typed. 10 x 4 x 14. Aud. off.

14. [INSURANCE POLICIES], 1932-. 1 bdl.

Insurance policies on county buildings, showing dates of policy and expiration, names of insurance company and agent, location and description of building, amounts of policy and premium, and terms of policy. Arr. chron. by dates of policies. No index. Ptd. and typed. 4 x 4 x 12. Aud. off.

CLAIMS AND ALLOWANCES

15. COMMISSIONERS' CLAIMS AND ALLOWANCE RECORD, 1910-. 4 vols. (1-4). 1830-1909 in Commissioners' Record, entry 2.

Record of claims filed, showing date, number, nature and amount of claim, date and amount of allowance, and warrant and appropriation numbers. Arr. num. by claim nos. No index. Hdw. 240 pp. 17 x 12 x 2. Aud. off.

16. CLAIMS, 1813-. 4 cartons, 120 f. b.

Claims allowed by board of commissioners, showing dates of claim, allowance and filing, name of claimant, amount and nature of claim, and amount of allowance. Also contains: Poor Relief Orders, 1813-1930, entry 18; Special Road Fund and Claims, 1813-1933, entry 19. Arr. chron. by dates of filing. No index. Hdw. and typed. Cartons, 24 x 10 x 5; f. b., 10 x 4 x 14. Aud. off.

17. [COUNTY AGENT CLAIMS], 1920-. In Sheriff and County Agent and Field Examiners, entry 231.

County agent claims, showing dates of claim and filing, name of claimant, amounts of claim and allowance, nature of claim, and claim and appropriation numbers.

18. POOR RELIEF ORDERS, 1931-. 6 f. d. 1813-1930 in Claims, entry 16.

Claims submitted to board of commissioners by vendors for services and provisions furnished to indigent persons, with township trustees' original relief orders attached, showing dates, numbers and amounts of claim and order, names of indigent and vendor, and itemized list of services and articles furnished. Arr. num. by order nos. No index. Hdw. 6 x 10 x 24. Aud. off.

For poor relief ledger 1935-, see entry 253.

19. SPECIAL ROAD FUND AND CLAIMS, 1934-. 2 f. b. 1813-1933 in Claims, entry 16.

Claims allowed for labor and materials for construction and maintenance of highways, showing dates of claim and filing, nature, number and amount of claim, names of road and claimant, details of work performed, and amount of material furnished. Arr. chron. by dates of claims. No index. Hdw. and typed. 10 x 4 x 14. Aud. off.

PUBLIC IMPROVEMENTS

(See also entries 208, 209, 256)

20. COMMISSIONERS' ROAD RECORD, 1895-. 6 vols. (1-6). 1830-94 in Commissioners' Record, entry 2.

Record of actions and proceedings for construction and maintenance of highways, showing date of action, names of road, petitioners, remonstrators, viewers, engineers and contractors, transcripts of petitions, remonstrances, viewers' reports, specifications, bids, contracts and contractors' bonds, estimate of cost, amount of contractor's bond, and action taken. Arr. chron. by dates of actions. Indexed alph. by names of roads. 1895-Apr. 4, 1922, hdw.; Apr. 5, 1922-, typed. 590 pp. 18 x 12 x 2. Aud. off.

21. INDEX OF ROADS, 1853-94. 1 vol.

Partial index to proceedings on roads in Commissioners' Record, entry 2, showing date of petition, names of road, petitioners and viewers, location and description of road, and volume and page reference to recording. Arr. alph. by names of roads. Hdw. 200 pp. 18 x 11 x 2. Aud. off.

22. ROCK ROAD REPAIR, 1914-. 7 f. b.

Reports of expenditures for construction and repair of rock roads, showing date and nature of report, names of road, contractor and vendor, description and cost of materials, and amounts paid to contractor and vendor. Arr. chron. by dates of reports. No index. Hdw. and typed. 10 x 4 x 14. Aud. off.

23. COMMISSIONERS' DITCH RECORD, 1900-. 2 vols. (1, 2).
1830-99 in Commissioners' Record, entry 2.

Record of actions and proceedings for construction and maintenance of ditches, showing dates of petition, remonstrance and action, names of ditch, petitioners, remonstrators and viewers, transcript of petitions, remonstrances and reports, and location and description of ditch and land benefited. Arr. chron. by dates of petitions. No index. 1900-1921, hdw.; 1922-, typed. 250 pp. 18 x 12 x 2. Aud. off.

24. DITCH PETITIONS AND DITCH PAPERS, 1890-. 25 f. b.
Petitions submitted to board of commissioners for construction and repair of county ditches, showing date and nature of petition, names of petitioners and ditch, and location and description of ditch. Arr. chron. by dates of petitions. No index. Hdw. 10 x 4 x 14. Surv. off.

25. DITCH CLAIMS, 1933-. 1 f. b.

Schedules of assessments levied against landowners benefited by ditch construction and improvements, showing date of schedule, date, nature and amount of assessment, names of landowner and ditch, and location and description of ditch and land benefited. Arr. chron. by dates of schedules. No index. Hdw. 10 x 4 x 14. Aud. off.

MILITARY RECORDS

(See also entries 55-57, 102)

26. SOLDIERS' BURIAL RECORD, 1889-94. 1 vol.

Record of commissioners' allowances for burial of soldiers, showing name, age, rank and service record of soldier, dates and places of birth and death, expense of burial, and date and amount of allowance. Arr. chron. by dates of allowances. Indexed alph. by names of soldiers. Hdw. 300 pp. 16 x 11 x 1½. Aud. off.

27. SOLDIERS' FAMILY RECORD, 1861-63. 1 vol.

Record of statements of financial conditions of soldiers and their families, showing date of statement, number, name, age and sex of dependents, and name and physical and financial conditions of soldier. Arr. chron. by dates of statements. Indexed alph. by names of soldiers. Hdw. 300 pp. 16 x 11 x 1½. Aud. off.

II. COUNTY COUNCIL

The Warrick County Council is a statutory body created by an act of 1899, commonly referred to as the County Reform Law.¹ The council is composed of seven members. Each councilman is elected for a term of four years, and holds his office until his successor has been elected and qualified. The county is divided by the board of commissioners into four councilmanic districts; and one councilman is elected by the voters of each district. Three councilmen at large are elected by the voters of the whole county.² Each councilman receives a certificate of election from the clerk of the circuit court and is not commissioned by the governor.³ Members of the first council were appointed in 1899 by the judge of the circuit court.⁴ The county auditor is clerk of the county council; and his duties as such may be performed by himself personally or by deputy.⁵ At an organization meeting held on the second Saturday after its election, the council chooses from its mem-

¹ Acts 1899; Burns 26-501; Baldwin 5365.

² Const., art. 15, sec. 3. Acts 1899, 1907; Burns 26-502, 26-505; Baldwin 5366, 5369.

³ Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096.

⁴ Acts 1899; Burns 26-548.

⁵ Acts 1899; Burns 26-509; Baldwin 5373.

bers a presiding officer and a presiding officer pro tem, who serve for the terms of their respective offices as councilmen.⁶

Each councilman must have been an inhabitant of the county during one year next preceding the date of his election or appointment. Each councilman at large must be a qualified voter and resident freeholder of the county; and each of the other councilmen must be a qualified voter and resident freeholder of the district from which he was elected or appointed. No person can hold the office of councilman while holding any other county office or any state, township, or municipal office.⁷ Each councilman, before entering on the duties of his office, must take an oath that he will support the state and federal constitutions and that he will faithfully and honestly perform his duties as councilman.⁸

Each councilman receives a salary of \$10 per year plus \$10 for each day served at special meetings of the council.⁹ Before 1927 there was no additional compensation for serving at special meetings.¹⁰ From 1899 until 1933 the auditor was entitled to a suitable annual allowance by the county council in an amount not less than \$200 nor more than \$600 (in addition to his regular salary), for his services as clerk of the county council; but since 1933 his annual salary of \$2,000 has been compensation for his regular duties and also his duties as clerk of the county council.¹¹

For sufficient legal grounds, any councilman may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.¹² If any councilman is convicted of a felony, the judgment of conviction must declare his office vacant.¹³ The

⁶ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

⁷ Const., art. 2, sec. 9; art. 6, secs. 4, 6. Acts 1899; Burns 26-504; Baldwin 5368. State ex rel. Workman v. Goldthait (1909), 172 Ind. 210, 87 N. E. 133.

⁸ Const., art. 15, sec. 4. Acts 1899; Burns 26-506; Baldwin 5370. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁹ Acts 1899, 1927; Burns 26-503; Baldwin 5367.

¹⁰ Acts 1899, ch. 154, sec. 3.

¹¹ Acts 1899; Burns 26-509, 26-550; Baldwin 5373, 5221. Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

¹² Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1899; Burns 26-504; Baldwin 5368. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹³ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

county council has the power to expel any councilman for disability, ineligibility, neglect to perform the duties of his office, or violation of official duties; and no law specifically provides for a review of such expulsion.¹⁴ Any vacancy in the membership of the council is filled by appointment by the remaining members of the council at a special meeting held for that purpose. A person appointed to fill such vacancy holds office until the expiration of the term in which such vacancy occurred and until his successor is elected and qualified.¹⁵

The purpose of the general assembly in creating the county council in 1899 was to place limits and checks on county business and on payments out of the county treasury.¹⁶ Before 1899 the board of commissioners performed the duties now performed by the council.¹⁷

The county council makes appropriations of money to be paid out of the county treasury, makes county tax levies, fixes the county tax rates,¹⁸ authorizes the borrowing of money for the county,¹⁹ authorizes the county to purchase, sell, or convey real estate of the value of \$1,000 or more,²⁰ and fixes the amounts of salaries of deputy officers and other assistants of county officers.²¹ In making appropriations, the council considers estimates of expenditures which are filed by all county officers with the auditor and presented by him to the council with his recommendations and proposed ordinances.²² Such appropriations, tax levies, and tax rates are subject to review by the county board of tax adjustment.²³ In mandamus proceedings, the courts can compel the county council to make appropriations and tax levies where it is the statutory duty of the council to do so; and this is true though

¹⁴ Acts 1899; Burns 26-504, 26-512; Baldwin 5368, 5376.

¹⁵ Const., art. 15, sec. 3. Acts 1899, 1907; Burns 26-505; Baldwin 5369.

¹⁶ Acts 1899; Burns 26-529; Baldwin 5393. *Snider v. State ex rel. Leap* (1934), 206 Ind. 474, 190 N. E. 178.

¹⁷ 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16-18, 21, 22.

¹⁸ Acts 1899, 1931; Burns 26-507, 26-515, 26-520; Baldwin 5371, 5379, 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

¹⁹ Acts 1899, 1921, 1929; Burns 26-532, 26-540, Baldwin 5396, 5405.

²⁰ Acts 1899; Burns 26-534; Baldwin 5399. Acts 1903; Burns 22-3201; Baldwin 4507.

²¹ Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²² Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

²³ Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

such duty rests on the performance of a condition, if in fact the condition has been performed.²⁴ The authorization by the council of the issuance of bonds or notes in an amount exceeding \$5,000, excepting temporary obligations, is subject to review by the state board of tax commissioners; and no bonds or notes bearing interest greater than five percent per annum can be issued without the approval of said board.²⁵

The county council and the board of commissioners, acting together, approve the acceptance of lands given or devised to the county for purposes of a public forest;²⁶ hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit court;²⁷ determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the same time;²⁸ and rebuild courthouses and jails destroyed by fire or windstorm, and issue bonds to defray the expense thereof.²⁹

It is unlawful for any councilman to be interested personally in any contract with the county, or to purchase, for less than par, any bond, warrant, claim, or demand against the county.³⁰

The county council holds a regular annual meeting on the first Tuesday after the first Monday of September each year. Special meetings may be called by the auditor or a majority of the members of the council.³¹ The sessions are open to the public and may continue until all business is completed.³² A majority of all the members constitutes a quorum to do business, and such majority must concur in the passage of ordinances.³³ A greater vote is required in order to expel

²⁴ Acts 1899; Burns 26-528; Baldwin 5392. State ex rel. Simpson v. Meeker (1914), 182 Ind. 240, 105 N. E. 906; State ex rel. Test v. Steinwedel (1932), 203 Ind. 457, 180 N. E. 865; Blue v. State ex rel. Powell (1936), 210 Ind. 486, 1 N. E. (2d) 122.

²⁵ Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736. Citizens Bank v. Burnettsville (1932), 98 Ind. App. 92, 179 N. E. 724.

²⁶ Acts 1929; Burns 32-105; Baldwin 4879.

²⁷ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

²⁸ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

²⁹ Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

³⁰ Acts 1899; Burns 26-513, 26-514; Baldwin 5377, 5378.

³¹ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

³² Acts 1899; Burns 26-508; Baldwin 5372.

³³ Acts 1899; Burns 26-511; Baldwin 5375.

a member (two-thirds),³⁴ adopt appropriations for items not included in budget estimates or for amounts greater than those of the items in the budget estimates (three-fourths),³⁵ adopt appropriations at a special meeting (two-thirds),³⁶ and to levy taxes for the repair, maintenance, or preservation of county highways (unanimous).³⁷ The sheriff in person or by deputy, attends the sessions of the council and executes its orders.³⁸

The auditor, as ex officio clerk of the council, keeps in his office the files and papers of the council and a record of its proceedings.³⁹ He keeps separate accounts for each specific item of appropriation made by the council.⁴⁰

28. COUNTY COUNCIL RECORD, 1899-. 2 vols. (1, 2). Minutes of meetings of county council, showing date of meeting, names of members present, subjects discussed, and action taken. Also contains: [Board of Tax Adjustment Record], 1933-, entry 196. Arr. chron. by dates of meetings. Indexed alph. by subjects discussed. 1899-1923, hdw.; 1924-, typed. 580 pp. 18 x 12 x 2½. Aud. off.

29. ORDINANCE OF APPROPRIATION, 1910-. 2 f. b. Original ordinances of appropriation for county expenses approved by county council, showing date, amount and purpose of ordinance, and names of members approving ordinance. Arr. chron. by dates of ordinances. No index. Hdw. 10 x 4 x 14. Aud. off.

30. COUNTY OFFICIAL'S ESTIMATE OF EXPENSES, 1924-. 4 f. b. Budget estimates of county officials filed with auditor for action by county council, showing dates of estimate and filing, names of official and office, itemized schedule of estimated expenditures, and total budget. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

III. CLERK OF THE CIRCUIT COURT

The clerk of the circuit court, commonly referred to as "county clerk", is a constitutional officer, elected for a four-

³⁴ Acts 1899; Burns 26-512; Baldwin 5376.

³⁵ Acts 1899; Burns 26-520; Baldwin 5384.

³⁶ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

³⁷ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715.

³⁸ Acts 1899; Burns 26-510; Baldwin 5374.

³⁹ Acts 1899; Burns 26-509; Baldwin 5373. State ex rel. Van Der Veer v. Butcher (1933),

205 Ind. 117, 185 N. E. 908.

⁴⁰ Acts 1899; Burns 26-523; Baldwin 5387.

year term by the voters of the county. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851. Before the adoption of the Constitution of 1816 he was appointed by the governor, to serve during good behavior. In 1813 his official title was "Clerk of the Court of Common Pleas." Under the Constitution of 1816 the clerk was elected for a seven-year term by the voters of the county.¹ He is commissioned by the governor,² and holds office until his successor is elected and qualified.³ No person is eligible to the office for more than eight years in any 12 year period.⁴ The clerk must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of clerk of the circuit court, he must reside within the county, must not hold any other lucrative office,⁶ and must not practice law.⁷ Under the Constitution of 1816 the offices of recorder and clerk of the circuit court could be held simultaneously by one person.⁸ He must post bond in an amount fixed by the board of commissioners, approved by that board and filed with the recorder,⁹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹⁰

¹ Const. 1816, art. 5, sec. 8. Const., art. 6, sec. 2. Acts 1807, ch. 2, sec. 15. Acts 1813-14, ch. 29, secs. 7, 8. Acts 1814, ch. 2, sec. 9. Acts 1815, ch. 15, sec. 2. Acts 1816-17, ch. 3, sec. 4; ch. 14, secs. 1, 8. Acts 1817-18 (special), ch. 3, secs. 1, 3. Rev. Laws 1824, ch. 36, secs. 1, 3. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427.

² Const. 1816, art. 11, sec. 9. Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2.

⁵ Const. 1816, art. 11, sec. 14. Const., art. 6, sec. 4.

⁶ Const. 1816, art. 11, secs. 6, 13. Const., art. 2, sec. 9; art. 6, sec. 6. Acts 1813-14, ch. 29, sec. 7.

⁷ Acts 1807, ch. 29, sec. 6. Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

⁸ Const. 1816, art. 11, sec. 10. Rev. Stat. 1843, ch. 4, sec. 62.

⁹ Acts 1816-17, ch. 2, sec. 4. Rev. Laws 1824, ch. 24, sec. 3. Rev. Stat. 1838, ch. 15, sec. 1; ch. 17, sec. 5. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-106, 49-120; Baldwin 13066, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427. Acts 1875; Burns 49-2703, 49-2704; Baldwin 1430, 1431.

¹⁰ Const., art. 15, sec. 4. Acts 1816-17, ch. 2, sec. 4. Acts 1817-18 (special), ch. 3, sec. 3. Rev. Laws 1824, ch. 24, sec. 3. Rev. Laws 1831, ch. 15, sec. 5. Acts 1905; Burns, 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101, 49-104; Baldwin 13054, 13057.

The clerk of the circuit court receives a regular salary of \$1,680 per year.¹¹ He receives \$75 for his services rendered at each general election, primary election, or special election.¹² For each registration blank or transfer of registration which he fills out and executes, he receives a sum fixed by the board of commissioners, not exceeding four cents; and in addition thereto receives reasonable compensation (fixed by the board of commissioners) for additional services rendered by him as registration officer.¹³ He is not permitted to retain, as compensation for himself, any fees collected by him, except to the extent expressly authorized by statute in the following cases: Five cents for each mile necessarily travelled in going from the clerk's office to the governor's office, to receive state ballots, and in returning to the clerk's office; \$5 for his duties in connection with the admission or discharge of any person at any hospital for the insane, the Fort Wayne State School, the Muscatatuck Colony, the Indiana Village for Epileptics, or the James Whitcomb Riley Hospital for Children; fees for the issuance of fish and game licenses; fees for preparing transcripts for change of venue from his county; and all fees for change of venue to his county, except for preparation of transcripts.¹⁴

For sufficient legal grounds, the clerk of the circuit court may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹⁵ If the clerk is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁶

Any vacancy in the office of clerk of the circuit court is filled through appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered

¹¹ Acts 1807, ch. 49, sec. 1. Acts 1814, ch. 8, secs. 6, 9; ch. 21, secs. 40, 42. Acts 1933; Burns 49-1004; Baldwin 7534.

¹² Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

¹³ Acts 1933, 1935; Burns, 1939 suppl., 29-329; Baldwin, 1935 suppl., 7327.

¹⁴ Acts 1841-42 (general), ch. 119, sec. 1. Acts 1933; Burns 49-1001, 49-1005, 49-1007; Baldwin 7531, 7535, 7537. Acts 1933, 1937; Burns, 1939 suppl., 49-1007; Baldwin, 1937 suppl., 7537. Acts 1927; Burns 49-1301 to 49-1305; Baldwin 7561 to 7565.

¹⁵ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁶ Acts 1815, ch. 15, sec. 1. Acts 1897, 1899; Burns 49-834; Baldwin 13050.

years), a clerk is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁷

Under authority from the board of commissioners, the clerk of the circuit court may appoint one deputy and one or more assistants. The county council fixes their salaries, which must be not less than \$75 and not more than \$125 per month.¹⁸ The clerk may require the deputy to give bond.¹⁹ The deputy must take the oath required of the clerk, may perform all the official duties of the clerk, and is subject to the same regulations and penalties.²⁰ The clerk may remove such deputy and assistants at any time, and is responsible for their official acts.²¹

As an officer of the circuit court, the clerk performs numerous duties. He, in person or by deputy, attends the circuit court and performs the customary duties of clerk at trials;²² files pleadings and papers and endorses thereon the time of such filing;²³ issues summonses,²⁴ notices for service

¹⁷ Const., art. 6, sec. 9. Acts 1815, ch. 15, sec. 2. Acts 1817-18 (general), 17, secs. 1, 8. Rev. Laws 1824, ch. 10, sec. 4; ch. 36, sec. 1. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁸ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana*, 1934, p. 256; 1937, p. 324.

¹⁹ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

²⁰ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

²¹ Rev. Laws 1824, ch. 10, sec. 2. 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²² Acts 1816-17, ch. 3, sec. 3. Rev. Laws 1824, ch. 10, sec. 1. Rev. Laws 1831, ch. 15, sec. 1. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

²³ Acts 1807, ch. 32, sec. 4. Acts 1810, ch. 27, sec. 3. Acts 1811, ch. 36, secs. 3, 4, 7. Acts 1814, ch. 8, sec. 1; ch. 20, secs. 8, 14; ch. 21, secs. 3, 6, 11, 12, 34, 38. Acts 1816-17, ch. 2, sec. 12; ch. 4, sec. 28; ch. 5, secs. 1, 2, 18. Acts 1817-18 (general), ch. 4, sec. 17. Rev. Laws 1824, ch. 73, secs. 1, 7, 15, 27; ch. 74, secs. 1, 18-21, 33, 41; ch. 79, secs. 8, 38. Rev. Stat. 1843, ch. 38, sec. 49. Acts 1881 (Spec. Sess.); Burns 2-802, 2-1641; Baldwin 83, 288. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Indictment. Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

²⁴ Acts 1807, ch. 12, sec. 4. Acts 1814, ch. 2, sec. 10; ch. 8, secs. 2, 5; ch. 21, secs. 3, 17. Acts 1816-17, ch. 2, sec. 8; ch. 4, sec. 5. Acts 1817-18 (general), ch. 60, sec. 3; ch. 61, sec. 3. Rev. Laws 1824, ch. 24, sec. 7; ch. 73, secs. 1, 2, 10, 22; ch. 74, secs. 2, 3, 9-11, 24. Acts 1881 (Spec. Sess.); Burns 2-802; Baldwin 83.

by publication,²⁵ attachment writs,²⁶ garnishment writs,²⁷ executions,²⁸ witness subpoenas,²⁹ letters testamentary, and letters of administration;³⁰ takes depositions of witnesses;³¹ approves and keeps judicial bonds;³² keeps court dockets,³³ inheritance tax records,³⁴ probate records,³⁵ receivership records,³⁶ guardianship records,³⁷ and records of redemption from judicial sales;³⁸ he records orders, judgments,³⁹ in-

²⁵ Rev. Laws 1824, ch. 73, sec. 3. Acts 1881 (Spec. Sess.), 1885, 1935; Burns, 1939 suppl., 2-807; Baldwin, 1935 suppl., 88.

²⁶ Rev. Laws 1831, ch. 6, sec. 1. Acts 1881 (Spec. Sess.); Burns 3-509; Baldwin 777.

²⁷ Acts 1881 (Spec. Sess.), 1897; Burns 3-522; Baldwin 791.

²⁸ Acts 1814, ch. 8, sec. 8. Acts 1816-17, ch. 4, sec. 36; ch. 5, sec. 22. Acts 1817-18 (general), ch. 3, sec. 63; ch. 66, sec. 1. Rev. Laws 1824, ch. 10, sec. 1; ch. 74, sec. 55. Acts 1881 (Spec. Sess.); Burns 2-3301 to 2-3314; Baldwin 523, 526, 525, 527, 521, 522, 531, 532, 427, 528 to 530, 535, 524.

²⁹ Acts 1807, ch. 32, sec. 3. Acts 1816-17, ch. 4, sec. 12. Rev. Laws 1824, ch. 74, sec. 16. Acts 1881 (Spec. Sess.); Burns 2-1701; Baldwin 289.

³⁰ Acts 1807, ch. 16, secs. 1, 2. Acts 1813-14, ch. 34. Acts 1817-18 (general), ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, sec. 4. Acts 1881 (Spec. Sess.), 1901; Burns 6-201, 6-301; Baldwin 3025, 3030.

³¹ Acts 1807, ch. 46, sec. 41. Acts 1810, ch. 22. Acts 1881 (Spec. Sess.); Burns 2-1501; Baldwin 211.

³² Acts 1816-17, ch. 4, sec. 36; ch. 5, sec. 18. Acts 1817-18 (general), ch. 13, sec. 19. Rev. Laws 1824, ch. 5, sec. 24; ch. 74, sec. 13; ch. 79, sec. 2. Rev. Laws 1831, ch. 6, secs. 1, 26. Acts 1881 (Spec. Sess.); Burns 2-3209, 3-303, 3-508, 3-519, 6-501, 6-1506, 6-2001; Baldwin 484, 726, 776, 788, 3048, 3229, 3277. 2 Rev. Stat. 1852; Burns 7-502; Baldwin 3396. 2 Rev. Stat. 1852, Acts 1857, 1881 (Spec. Sess.); Burns 8-104; Baldwin 3421.

³³ Acts 1814, ch. 8, sec. 3; ch. 13, sec. 5; ch. 21, secs. 19, 39. Acts 1816-17, ch. 2, sec. 12; ch. 4, secs. 1, 11, 12, 28, 32. Acts 1817-18 (general), ch. 3, sec. 11. Rev. Laws 1824, ch. 73, sec. 15; ch. 74, secs. 15, 33, 55. Rev. Stat. 1843, ch. 38, secs. 48, 51; ch. 40, secs. 189, 367, 487. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 358. Acts 1881 (Spec. Sess.), 1929; Burns 2-1103, 2-2520, 2-3314; Baldwin 179, 392, 524. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Docketing appeals. Acts 1881 (Spec. Sess.); Burns 2-3226; Baldwin 500.

³⁴ Acts 1913, ch. 47, secs. 17, 18. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

³⁵ Acts 1807, ch. 16, secs. 2, 18, 19. Acts 1817-18 (general), ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, secs. 8, 38. Acts 1891, ch. 194, sec. 114. Acts 1909, ch. 10, sec. 1. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

³⁶ Acts 1911; Burns 3-2607; Baldwin 1147.

³⁷ Acts 1846-47 (general), ch. 54, sec. 1. Acts 1889; Burns 8-137; Baldwin 3424.

³⁸ Acts 1879, ch. 79, sec. 7. Acts 1881 (Spec. Sess.); Burns 2-4001; Baldwin 624.

³⁹ Acts 1814, ch. 13, sec. 4. Acts 1815, ch. 11, secs. 14-16. Acts 1816-17, ch. 5, sec. 22. Acts 1817-18 (general), ch. 3, sec. 63; ch. 66, sec. 5. Rev. Laws 1824, ch. 40, sec. 13. Acts 1825, ch. 8, sec. 1. Rev. Stat. 1843, ch. 38, sec. 40. Acts 1893; Burns 2-822; Baldwin 103. Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-2706; Baldwin 392, 421. Acts 1915; Burns 3-1410; Baldwin 963. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

dictments,⁴⁰ notices of lis pendens,⁴¹ and probated wills;⁴² draws up a record of the proceedings of the court daily;⁴³ enters in a final record book a complete record of causes finally determined;⁴⁴ prepares and certifies transcripts of proceedings for change of venue from the county⁴⁵ or for appeal to a higher court;⁴⁶ receives payments for all judgments of record in his office;⁴⁷ and prepares budget estimates for the circuit court.⁴⁸ He keeps the jury box containing names selected by the jury commissioners (the key thereto being kept by a jury commissioner), draws therefrom names of persons to serve on the grand jury and petit jury, records their names in the order book, and issues a venire to require such persons to appear in court.⁴⁹ All new actions and proceedings of the circuit court are filed in the office of the clerk, and are numbered in consecutive order as filed.⁵⁰ He is charged with the duty of keeping and preserving the official records

⁴⁰ 2 Rev. Stat. 1852, pt. 3, ch. 1, sec. 68 (repealed by Acts 1881 (Spec. Sess.), ch. 36, sec. 323). Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

⁴¹ Acts 1877 (Spec. Sess.), ch. 24, secs. 1, 4. Acts 1881 (Spec. Sess.); Burns 2-813 to 2-821; Baldwin 94 to 96, 101, 102, 97 to 100. Acts 1893; Burns 2-822; Baldwin 103. Acts 1905; Burns 56-505; Baldwin 14708-1.

⁴² Domestic probate. Acts 1807, ch. 16, sec. 2. Acts 1817-18 (general), ch. 13, sec. 2. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. 2 Rev. Stat. 1852; Burns 7-411; Baldwin 3385.

Foreign probate. 2 Rev. Stat. 1852; Burns 7-415 to 7-417; Baldwin 3389 to 3391.

⁴³ Acts 1884, ch. 20, sec. 11. Acts 1816-17, ch. 3, sec. 3. Acts 1817-18 (general), ch. 3, sec. 62. Rev. Laws 1824, ch. 74, sec. 54. 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413.

⁴⁴ Acts 1817-18 (general), ch. 3, sec. 63; ch. 66, sec. 5. Rev. Laws 1824, ch. 10, sec. 1. Rev. Stat. 1843, ch. 38, secs. 40, 52. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴⁵ Acts 1813-14, ch. 37, secs. 1, 2. Acts 1818-19, ch. 3, sec. 4. Acts 1881 (Spec. Sess.); Burns 2-1406; Baldwin 191. Acts 1905; Burns 9-1305; Baldwin 2226.

Fees on change of venue, and record thereof. Acts 1913, ch. 256, sec. 2. Acts 1927; Burns 2-1421; Baldwin 203. *Opinions of the Attorney General of Indiana, 1934*, p. 128.

⁴⁶ Acts 1807, ch. 2, sec. 10. Acts 1813-14, ch. 29, sec. 11. Acts 1903, 1915; Burns 2-3104; Baldwin 462. Acts 1881 (Spec. Sess.); Burns 2-3105; Baldwin 455. Acts 1903, 1933; Burns 2-3112; Baldwin 466.

⁴⁷ Acts 1875; Burns 49-2719; Baldwin 1438.

⁴⁸ Acts 1899; Burns 26-516; Baldwin 5380.

⁴⁹ Acts 1817-18 (general), ch. 48, secs. 2, 3. Rev. Laws 1824, ch. 56, secs. 1-3. Rev. Laws 1831, ch. 53, secs. 1, 2. Acts 1881 (Spec. Sess.), 1913; Burns 4-3304, 4-3306; Baldwin 1267, 1270.

⁵⁰ Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

of the court.⁵¹ Formerly he issued certificates showing discharge of apprentices by the court.⁵² From 1829 until 1858 he was ex officio clerk of the probate court of the county (abolished in 1858);⁵³ and from 1853 until 1873 he was ex officio clerk of the common pleas court of the county (abolished in 1873).⁵⁴

The clerk issues licenses for marriages,⁵⁵ physicians, surgeons,⁵⁶ midwives,⁵⁷ osteopaths,⁵⁸ chiropractors, drugless healers,⁵⁹ dentists,⁶⁰ optometrists,⁶¹ hunting, trapping, fishing,⁶² poultry dealers,⁶³ and junk dealers.⁶⁴ He approves (unless some other provision is made by law), files, and keeps a record of the bonds of county officers (except his own and the bonds of the county assessor and the county superintendent of schools), all township officers,⁶⁵ and notaries

⁵¹ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁵² Acts 1817-18 (general), ch. 51, sec. 2. Rev. Laws 1824, ch. 3, sec. 2. Rev. Laws 1831, ch. 4, sec. 2.

⁵³ Acts 1829-30, ch. 26, sec. 3. Rev. Laws 1831, ch. 25, sec. 7. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

⁵⁴ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

⁵⁵ Acts 1807, ch. 7, sec. 2. Acts 1817-18 (general), ch. 34, secs. 3, 4, 7. Rev. Stat. 1838, ch. 68, sec. 3. Rev. Stat. 1843, ch. 35, secs. 8, 9, 12. 1 Rev. Stat. 1852; Burns 44-201; Baldwin 5622.

⁵⁶ Acts 1881, ch. 19, secs. 10, 11. Acts 1885 (Spec. Sess.), ch. 77, sec. 2 (repealed by Acts 1897, ch. 169, sec. 10). Acts 1897; Burns 63-1303; Baldwin 10705.

⁵⁷ Acts 1897; Burns 63-1309; Baldwin 10709.

⁵⁸ Acts 1901; Burns 63-1316; Baldwin 10716.

⁵⁹ Acts 1927; Burns 63-1312; Baldwin 10713.

⁶⁰ Acts 1899, ch. 211, secs. 5, 7-11. Acts 1913, 1931, 1935; Burns, 1939 suppl., 63-504; Baldwin, 1935 suppl., 5589. Acts 1913, 1931; Burns 63-506, 63-507; Baldwin 5591, 5592.

⁶¹ Acts 1907; Burns 63-1009; Baldwin 13180. Acts 1907, 1935; Burns, 1939 suppl., 63-1010, 63-1011; Baldwin, 1935 suppl., 13181, 13182.

⁶² Acts 1901, ch. 203, sec. 13. Acts 1907, ch. 216, sec. 9. Acts 1911, ch. 286, secs. 1, 2. Acts 1927, 1933; Burns 11-302, 11-310; Baldwin 8302, 8309. Acts 1937; Burns, 1939 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

The cited sections of the acts of 1901, 1911, 1927, and 1933 were repealed by Acts 1937, ch. 21, sec. 161.

⁶³ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

⁶⁴ Acts 1905; Burns 42-703; Baldwin 10462.

⁶⁵ Acts 1813, ch. 5; ch. 8, sec. 11. Acts 1815, ch. 5, secs. 2, 3. Acts 1816-17, ch. 2, sec. 3; ch. 13, sec. 3. Acts 1817-18 (general), ch. 42, sec. 3; ch. 72, sec. 1. Acts 1818-19, ch. 2, sec. 1. Rev. Laws 1824, ch. 13, sec. 2. Rev. Laws 1831, ch. 15, sec. 7; ch. 20, sec. 23. Acts 1833-34, ch. 16, sec. 1. Rev. Stat. 1843, ch. 4, secs. 84, 86, 89; ch. 10, sec. 2. Acts 1899; 1911, 1913; Burns 28-702; Baldwin 5931. 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13063. Acts 1889; Burns 49-109; Baldwin 13064. Acts 1857; Burns 49-124; Baldwin 13077. Acts 1857; Burns 49-125; Baldwin 16118. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

public.⁶⁶ He files copies of the official oaths of county officers.⁶⁷ He records timber brands,⁶⁸ certificates of patents granted by the United States Patent Office,⁶⁹ assumed business names,⁷⁰ trade marks and trade names used on bottles and other containers,⁷¹ inventories and accounts of trustees,⁷² appointments of railroad agents for service of process,⁷³ and termination of authority of railroad policemen.⁷⁴ He records marriage licenses, the application therefor, and certificates of marriages;⁷⁵ and makes monthly reports to the county health officer concerning marriages for the preceding month.⁷⁶ He registers certificates of trained nurses,⁷⁷ and keeps a register of estrays and articles adrift.⁷⁸ He administers oaths,⁷⁹ takes acknowledgments of written instruments,⁸⁰ and distributes session laws enacted by the general assembly.⁸¹

Formerly the clerk issued liquor licenses,⁸² brokers'

⁶⁶ 1 Rev. Stat. 1852, Acts 1855; Burns 49-3503; Baldwin 13016.

⁶⁷ Acts 1807, ch. 92, sec. 1. Acts 1816-17, ch. 11, sec. 4; ch. 13, sec. 4; ch. 19, sec. 1; ch. 39, sec. 1. Acts 1817-18 (special), ch. 3, sec. 3. Acts 1817-18 (general), ch. 29, sec. 2; ch. 42, sec. 3. Rev. Laws 1824, ch. 24, sec. 3; ch. 73, sec. 31. 1 Rev. Stat. 1852; Burns 49-104; Baldwin 7534.

⁶⁸ Acts 1901; Burns 51-338; Baldwin 13265.

⁶⁹ Acts 1869 (Spec. Sess.), 1899; Burns 51-401; Baldwin 2772.

⁷⁰ Acts 1909; Burns 50-201, 50-202; Baldwin 13210, 13211.

⁷¹ Acts 1897, ch. 192, sec. 1. Acts 1917, 1931; Burns 66-101; Baldwin 16179.

⁷² Acts 1937; Burns, 1939 suppl., 6-2514; Baldwin, 1937 suppl., 3221-14.

⁷³ Acts 1877 (Spec. Sess.); Burns 55-3301 to 55-3303; Baldwin 14329 to 14331.

⁷⁴ Acts 1927; Burns 55-3408; Baldwin 14654.

⁷⁵ Acts 1807, ch. 7, sec. 4. Acts 1817-18 (general), ch. 34, sec. 6. Rev. Stat. 1838, ch. 68, sec. 6. 1 Rev. Stat. 1852; Burns 44-203; Baldwin 5624. Acts 1905, 1917; Burns 44-205; Baldwin 5625.

⁷⁶ Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

⁷⁷ Acts 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

⁷⁸ Acts 1807, ch. 20, secs. 1-3. Acts 1817-18 (general), ch. 68, secs. 2, 3. Rev. Laws 1824, ch. 39, sec. 2. 1 Rev. Stat. 1852; Burns 51-306, 51-315; Baldwin 13233, 13243.

⁷⁹ Acts 1817-18 (general), ch. 29, sec. 2; ch. 42, sec. 3. Acts 1818-19, ch. 17, sec. 1. Rev. Laws 1824, ch. 10, sec. 2; ch. 73, sec. 31. 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

⁸⁰ Acts 1817-18 (general), ch. 28, sec. 12. Rev. Laws 1824, ch. 82, sec. 12. Rev. Laws 1831, ch. 41, sec. 10. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123; Baldwin 14674.

⁸¹ Acts 1933, 1935; Burns, 1939 suppl., 49-1612, 49-1612 a, 49-1614; Baldwin, 1935 suppl., 14956, 14956-1, 14958. Acts 1897; Burns 49-1613; Baldwin 14957.

⁸² Acts 1807, ch. 17, sec. 4. Acts 1817-18 (general), ch. 47, sec. 3. Acts 1820-21, ch. 36, secs. 1, 2. Rev. Laws 1824, ch. 107, sec. 3. Acts 1917, ch. 4, secs. 6, 12.

licenses,⁸³ licenses for sale of foreign merchandise,⁸⁴ fire-arms permits,⁸⁵ licenses for veterinarians,⁸⁶ stallions,⁸⁷ and petty money lenders;⁸⁸ kept a negro register,⁸⁹ a register of certificates of agents of foreign insurance companies,⁹⁰ a roll of attorneys of the county,⁹¹ lists of shareholders of banks of the county,⁹² lists of lands purchasable at all land offices in the state,⁹³ standards of weights and measures,⁹⁴ plats showing changes in routes of roads and canals,⁹⁵ a record of roads and objects connected therewith,⁹⁶ and a record of the creation and boundaries of townships;⁹⁷ filed bounty certificates,⁹⁸ bonds of ferrymen,⁹⁹ and liquor dealers,¹⁰⁰ public contracts for support of paupers,¹⁰¹ and enumerations of soldiers and sailors;¹⁰² and recorded limited partner-

⁸³ Acts 1840-41 (general), ch. 5, sec. 18.

⁸⁴ Acts 1813, ch. 8, sec. 25. Acts 1816-17, ch. 17, sec. 4. Acts 1817-18 (general), ch. 44, sec. 4. Rev. Laws 1824, ch. 23, sec. 3. Rev. Laws 1831, ch. 21, sec. 7.

⁸⁵ Acts 1913, ch. 167, sec. 1 (repealed by Acts 1917, ch. 125, sec. 6). Acts 1925, 1929; Burns 10-4721, 10-4723, 10-4725; Baldwin 2557, 2559, 2561 (all repealed by Acts 1935, ch. 63, sec. 21).

⁸⁶ Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 98, sec. 17).

⁸⁷ Acts 1889, ch. 116, sec. 1 (superseded by Acts 1913, ch. 28, creating the stallion enrollment board).

⁸⁸ Acts 1913, ch. 167, secs. 1-4 (repealed by Acts 1917, ch. 125, sec. 6).

⁸⁹ Acts 1807, ch. 64, secs. 2, 6, 10, 12. 1 Rev. Stat. 1852, ch. 74, sec. 3 (repealed by Acts 1867, ch. 128, sec. 1).

⁹⁰ Acts 1865 (Spec. Sess.), ch. 15, sec. 1. Acts 1877, ch. 43, sec. 1. Acts 1899, ch. 245, sec. 1. Acts 1901, ch. 180, sec. 1. Acts 1903, ch. 66, sec. 1. All of these laws were repealed by Acts 1935, ch. 162, sec. 276.

⁹¹ Acts 1807, ch. 29, secs. 1, 3. Acts 1814, ch. 2, sec. 12. Rev. Stat. 1843, ch. 38, sec. 93.

⁹² 1 Rev. Stat. 1852, ch. 10, sec. 30.

⁹³ Acts 1825, ch. 47, sec. 2. Rev. Laws 1831, ch. 11, sec. 6. Rev. Stat. 1833, ch. 10, secs. 6, 7.

⁹⁴ Acts 1807, ch. 58, secs. 1, 2. Acts 1817-18 (general), ch. 67, secs. 1, 2. Rev. Laws 1824, ch. 116. Rev. Laws 1831, ch. 110.

⁹⁵ Rev. Stat. 1838, ch. 17, sec. 56.

⁹⁶ Acts 1815, ch. 5, sec. 19.

⁹⁷ Acts 1807, ch. 9, sec. 1.

⁹⁸ Acts 1816-17, ch. 23, sec. 3.

⁹⁹ Acts 1817-18 (general), ch. 45, sec. 8. Rev. Laws 1824, ch. 42, sec. 8. Rev. Laws 1831, ch. 38, sec. 5.

¹⁰⁰ Acts 1817-18 (general), ch. 47, secs. 2, 3. Rev. Laws 1824, ch. 107, sec. 1.

¹⁰¹ Acts 1807, ch. 23, sec. 4. Rev. Laws 1824, ch. 72, sec. 3. Rev. Laws 1831, ch. 69, sec. 2.

¹⁰² Acts 1885 (Spec. Sess.), ch. 97, secs. 1, 3 (both repealed by Acts 1895, ch. 100, sec. 1). Acts 1913, ch. 46, secs. 1, 2 (both repealed by Acts 1923, ch. 4, sec. 1).

ships,¹⁰³ marks and brands of animals,¹⁰⁴ and prison bounds.¹⁰⁵

The clerk serves ex officio as registration officer for the county¹⁰⁶ and as a member of the county election boards¹⁰⁷ and the county school fund board.¹⁰⁸ Formerly he was required to perform the duties of the office of school commissioner if there was no school commissioner.¹⁰⁹ Many duties of the clerk were transferred to the auditor in 1841.¹¹⁰

All funds received by the clerk must be deposited in a depository designated by the board of finance, and may be withdrawn by checks signed by the clerk or his authorized deputy.¹¹¹ He reports to the county auditor and treasurer all fees and fines collected by him.¹¹² All moneys remaining in the office of the clerk for 10 years without being demanded by the parties entitled thereto are paid to the attorney general.¹¹³

The clerk keeps a cashbook,¹¹⁴ a daily balance record,¹¹⁵ and a register of fees received by him;¹¹⁶ and must preserve in his office all records and writings appertaining to his official duties.¹¹⁷ On request and payment of a fee therefor,

¹⁰³ Rev. Stat. 1838, ch. 78, secs. 5-7.

¹⁰⁴ Acts 1807, ch. 6, sec. 18.

¹⁰⁵ Acts 1817-18 (general), ch. 32, sec. 1. Rev. Laws 1824, ch. 77, sec. 1. Rev. Laws 1831, ch. 75, sec. 1.

¹⁰⁶ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304. See the essay entitled "Registration Officer."

¹⁰⁷ See the essays entitled "Board of Primary Election Commissioners", "County Board of Election Commissioners", and "County Board of Canvassers."

¹⁰⁸ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558. See the essay entitled "County School Fund Board."

¹⁰⁹ Acts 1836-37 (general), ch. 21, sec. 1.

¹¹⁰ See the essay entitled "Auditor."

¹¹¹ Acts 1937; Burns, 1939 suppl., 61-673, 61-674; Baldwin, 1937 suppl., 1438-1, 1438-2.

¹¹² Acts 1807, ch. 1, sec. 2; ch. 2, sec. 8. Acts 1815, ch. 10. Acts 1816-17, ch. 17, sec. 6; ch. 27, sec. 1. Acts 1817-18 (general), ch. 44, sec. 6; ch. 72, secs. 2, 3; ch. 79, sec. 1. Acts 1828-29, ch. 24, secs. 1, 2. Rev. Laws 1831, ch. 15, sec. 15. Acts 1841-42 (general), ch. 45, sec. 3. Rev. Stat. 1843, ch. 13, sec. 80; ch. 38, sec. 64. Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

¹¹³ Acts 1933; Burns 49-2717, 49-2718; Baldwin 15177, 15178.

¹¹⁴ Acts 1879 (Spec. Sess.); Burns 49-2722; Baldwin 1442.

¹¹⁵ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

¹¹⁶ Acts 1909, ch. 10, sec. 1. Acts 1927; Burns 49-1301; Baldwin 7561. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443.

Probate fee book. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

¹¹⁷ Acts 1810, ch. 38. Acts 1817-18 (general), ch. 13, sec. 2; ch. 66, sec. 4. Rev. Laws 1824, ch. 10, sec. 1. Acts 1829-30, ch. 10, sec. 1. Rev. Laws 1831, ch. 15, sec. 1. Rev. Stat. 1843, ch. 38, sec. 50. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

the clerk furnishes certified copies of records and papers on file in his office.¹¹⁸

The state board of accounts (created in 1909) has prescribed forms for the following books to be used by the clerks: Cashbook of receipts and disbursements; daily balance record; entry and issue docket and fee book; estate entry claim and allowance docket and fee book; guardianship docket and fee book; register of fees and funds held in trust; support docket; index and record of receiverships; judgment docket; record of poultry dealers' licenses and applications therefor. Forms of printed blanks have also been prescribed.¹¹⁹

From time to time, without notice, the books and accounts of the clerk are inspected by the state examiner. Before the creation of the office of state examiner in 1909, the judge of the circuit court examined the clerk's office on the first day of every term of such court, and reported in writing to the board of commissioners showing the manner in which the books and papers of the clerk's office were kept.¹²⁰

OFFICIAL BONDS

(See also entry 281)

31. BOND INDEX RECORD, 1899-. 1 vol.

Index to Miscellaneous Bond, entry 32; Justice of Peace and Constable Bond Record, entry 33; Notarial Bond Record, entry 34; Record of Administrator's Bond, Oath and Letters, entry 153; Record of Executors' Bonds, Oaths and Letters, entry 154; Guardian's Bond Record, entry 155; Guardian, Executor and Administrator Bond, entry 156; Record of Administrators', Guardians' and Executors' Bonds to Sell Real Estate, entry 158, showing date, amount and kind of bond, name of principal, and volume and page reference to recording. Arr. alph. by names of principals. Hdw. 600 pp. 18 x 12 x 4. Clk. off.

32. MISCELLANEOUS BOND, 1860-. 2 vols. (1, 2).

Record of official and miscellaneous bonds, including auditor, treasurer, sheriff, judge, assessor, surveyor, coroner, receiver, appeal, cost and replevin, showing date, amount and conditions of bond, and names of office, official, plaintiff, defendant,

¹¹⁸ Acts 1817-18 (general), ch. 13, sec. 18. 2 Rev. Stat. 1852; Burns 49-2707; Baldwin 1434.

¹¹⁹ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹²⁰ Rev. Laws 1824, ch. 74, sec. 56. 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439. Acts 1909, 1915; Burns 60-201, 60-211; Baldwin 13854, 13862.

receiver and sureties. Also contains: Justice of Peace and Constable Bond Record (justice of peace bonds, 1860-71, 1939-; constable bonds, 1860-71, 1907-), entry 33i; Notarial Bond Record, 1860-71, entry 33iii. Arr. chron. by dates of bonds. Indexed alph. by names of officials, receivers, plaintiffs and defendants. 1860-1915, hdw.; 1916-, typed. 575 pp. 18 x 12 x 2½. Clk. off.

33. JUSTICE OF PEACE AND CONSTABLE BOND RECORD, 1872-1938. 2 vols. (1 vol. not numbered, 1). Justice of peace bonds, 1860-71, 1939-, constable bonds, 1860-71, 1907- in Miscellaneous Bond, entry 32; Notarial bonds, 1860-71 in Miscellaneous Bond, entry 32, 1906- in Notarial Bond Record, entry 34.

Record of bonds posted by township officials, including:

- i. Justice of peace bonds, 1872-1938, showing date, amount and conditions of bond, and names of justice and sureties.
- ii. Constable bonds, 1872-1906, showing date, amount and conditions of bond, and names of constable and sureties.
- iii. Notarial bonds, 1872-1905, showing same information as in entry 34.

Arr. chron. by dates of bonds. Indexed alph. by names of officials. For separate index 1889-, see entry 31. Hdw. 500 pp. 16 x 12 x 2½. Clk. off.

34. NOTARIAL BOND RECORD, 1906-. 3 vols. (4-6). 1860-71 in Miscellaneous Bond, entry 32; 1872-1905 in Justice of Peace and Constable Bond Record, entry 33iii.

Record of bonds posted by notaries public, showing date, amount and conditions of bond, and names of notary and sureties. Arr. chron. by dates of bonds. Indexed alph. by names of notaries. For separate index, see entry 31. Hdw. 500 pp. 18 x 12 x 2½. Clk. off.

35. NOTARY BONDS, 1895-. 30 f. b.

Original bonds filed by notaries public to insure faithful performance of duties, showing date, number, amount and conditions of bond, and names of notary and sureties. Arr. chron. by dates of bonds. No index. Hdw. 4 x 4 x 12. Clk. off.

LICENSES AND CERTIFICATES

MARRIAGES (see also entry 312)

36. MARRIAGE RECORD, June 1905-. 14 vols. (13-26).

Record of applications, licenses issued, affidavits of facts.

and certificates of marriage, showing dates of application, license, affidavit, marriage and certificate, names of bride, groom, affiant and person officiating, ages, color, occupations, dates and places of birth and previous marital status of bride and groom, and names, ages and occupations of parents of bride and groom. This is a combination of two records formerly kept separately: Marriage Record, entry 37; Marriage Affidavit Record, entry 38. Arr. chron. by dates of applications. Indexed alph. by names of brides and grooms. Hdw. 875 pp. 18 x 12 x 2½. Clk. off.

37. MARRIAGE RECORD, 1813-May 1904. 12 vols. (1 vol. not numbered, 2, 2½, 3-11). June 1904— in Marriage Record, entry 36.

Record of marriage licenses issued and certificates of marriage, showing dates of license and certificate of marriage, and names of bride, groom and person officiating. Arr. chron. by dates of licenses. Indexed alph. by names of brides and grooms. Hdw. 18 x 12 x 2½. Clk. off.

38. MARRIAGE AFFIDAVIT RECORD, 1886-1904. 6 vols. (1 vol. not numbered, 3, 1 vol. not numbered, 5, 1 vol. not numbered, 7). 1905— in Marriage Record, entry 36.

Record of affidavits of facts as stated in applications for marriage licenses, showing date of affidavit, and names of bride, groom and affiant. Arr. chron. by dates of affidavits. Indexed alph. by names of brides and grooms. Hdw. 300 pp. 18 x 11 x 2. Clk. off.

39. MARRIAGE LICENSE RETURNS, 1880—. 40 f. b.

Original marriage certificates returned to clerk by officiating officer, showing dates of marriage, certificate and filing, and names of bride, groom and officiating officer. Arr. chron. by dates of filing. No index. Hdw. 4 x 4 x 10. Clk. off.

PROFESSIONAL

40. PHYSICIAN'S LICENSE, 1885—. 2 vols. (1, 2). Title varies: Physician's Certificates, 1895-96, 1 vol.

Record of certificates issued by state board of medical registration and examination and licenses issued to physicians to practice in county, showing name, age and place of birth of physician, certificate number, and dates of certificate and license. Arr. chron. by dates of licenses. Indexed alph. by names of physicians. Hdw. 375 pp. 18 x 12 x 2½. Clk. off.

41. REGISTER OF DENTISTS' LICENSES, 1897—. 1 vol.

Record of certificates issued by state board of dental examiners and licenses issued to practice dentistry in county,

showing date and number of certificate, name, age, birthplace and present address of dentist, and date of license. Arr. alph. by names of dentists. No index. Hdw. 150 pp. 14 x 10 x 1. Clk. off.

42. OPTOMETRY RECORD, 1907-. 1 vol.

Record of certificates issued by state board of registration and examination in optometry and licenses issued to practice optometry in county, showing date of filing, certificate number, date and duration of license, and name of optometrist. Arr. chron. by dates of filing. Indexed alph. by names of optometrists. Hdw. 140 pp. 15 x 8 x 1. Clk. off.

43. REGISTER OF TRAINED NURSES, 1905-. 1 vol.

Register of trained nurses licensed to practice in county, showing date of registration, name and address of nurse, and certificate number. Arr. alph. by names of nurses. No index. Hdw. 150 pp. 14 x 10 x 1. Clk. off.

COMMERCIAL

44. PATENT RIGHT, 1869-. 1 vol. Last entry 1906.

Record of patent rights granted by U. S. Patent Office, showing dates of filing and assignment of rights, name and address of patentee or agent, and kind and number of patent. Arr. chron. by dates of filing. Indexed alph. by names of patentees and agents. Hdw. 450 pp. 16 x 11 x 1½. Clk. off.

45. PATENT RIGHTS FILED, 1922-. 1 f. b.

Certified copies of letters of patent rights registered in county to protect patentees, showing date, number and description of patent, name and address of patentee, and date of filing. Arr. chron. by dates of filing. No index. Hdw. 4 x 4 x 12. Clk. off.

46. JUNK DEALER'S LICENSES, 1905-. 1 vol.

Original applications and record of licenses issued to purchase junk in county, showing dates of application and license, name of applicant, location of business, and duration of license. Arr. chron. by dates of licenses. Indexed alph. by names of dealers. Hdw. Condition poor. 180 pp. 14 x 8 x 1. Clk. off.

47. POULTRY DEALER'S LICENSE RECORD, 1932-. 1 vol.

Original applications and record of licenses issued to purchase poultry in state, showing dates of application and license, names of applicant and dealer, location of business, and duration of license. Arr. chron. by dates of licenses. Indexed alph. by names of dealers. Hdw. 300 pp. 14 x 10 x 1½. Clk. off.

48. RECORD OF PERSONS ENGAGED IN BUSINESS UNDER NAMES OTHER THAN THEIR OWN, 1909-. 1 vol.

Record of filing of certificates of firms and partnerships engaged in business under names other than their own, showing date of filing, name of firm or partnership, nature and location of business, and names and addresses of members. Arr. chron. by dates of filing. Indexed alph. by names of firms and partnerships. Hdw. 300 pp. 14 x 10 x 1½. Clk. off.

49. REGISTER OF INSURANCE AGENTS' CERTIFICATES, 1911-20. 1 vol. Discontinued. Agent's license as now issued by state is valid in every county. 1878-1910 in Order Book Civil, entry 123.

Record of certificates issued by auditor of state to agents of insurance companies authorizing them to transact business in county, showing dates of certificate, filing and expiration, names and addresses of agent and company, and assets and liabilities of company. Arr. chron. by dates of filing. Indexed alph. by names of companies. Hdw. 175 pp. 17 x 10 x 1. Clk. off.

FIREARMS

50. PERMIT TO CARRY CONCEALED FIREARMS, 1925-. 5 vols. Copies of permits issued to carry firearms, showing date and number of permit, name, address and description of applicant, reason for issuance, and description of firearm. Arr. num. by permit nos. Indexed alph. by names of applicants. Hdw. 150 pp. 10 x 9 x 1. Clk. off.

HUNTING, FISHING AND TRAPPING

51. NON-RESIDENT HUNTING AND FISHING LICENSE, 1920-. 1 f. b. Stubs of nonresident hunting and fishing licenses issued by clerk, showing date and number of license, name, physical description and address of licensee, and amount of fee. Arr. num. by license nos. No index. Hdw. 10 x 4 x 14. Clk. off.

52. SOLDIERS' PERMITS TO HUNT AND FISH, 1930-. 2 f. b. Stubs of hunting and fishing permits issued to ex-service men, showing date and number of permit, and name, address and physical description of applicant. Arr. num. by permit nos. No index. Hdw. 10 x 4 x 14. Clk. off.

53. HUNTING, FISHING AND TRAPPING LICENSE STUBS, 1932-. 2 bdl.

Stubs of hunting, fishing and trapping licenses issued to residents of county, showing date and number of license, and name,

address and physical description of licensee. Arr. num. by license nos. No index. Hdw. 6 x 4 x 8. Clk. off.

54. REPORT OF HUNTING AND FISHING LICENSE, 1933-. 2 f. b. Copies of monthly reports of sales of hunting, fishing and trapping licenses compiled by clerk for state department of conservation, showing date, number and kind of license, amount and distribution of fees, and date of report. Arr. chron. by dates of reports. No index. Hdw. 10 x 4 x 14. Clk. off.

MILITARY

(See also entries 26, 27, 102)

55. ENROLLMENT OF SOLDIERS, WIDOWS AND ORPHANS, 1890-94. 1 vol.

Record of residents of Warrick County who served in U. S. Army, and families and children of deceased soldiers, showing date of enlistment, name, age, rank, regiment, company, race and address of soldier, and names of widow and children. Arr. chron. by dates of enlistments. Indexed alph. by names of soldiers. Hdw. 300 pp. 17 x 11 x 3½. Clk. off.

56. REVOLUTIONARY WAR SOLDIERS', PAPERS, 1780-84. 3 f. b. Lists of men who served in Revolutionary War, showing dates of enlistment, discharge and filing, and name, age, rank and regiment or company of soldier. Arr. chron. by dates of filing. No index. Hdw. 4 x 4 x 12. Clk. off.

57. ENROLLMENT OF U. S. SOLDIERS, 1861-77. 1 f. b.

Lists of soldiers who served in U. S. Army, showing date of enlistment, and name, age, rank, company, regiment, address, number of dependents and condition of health of soldier. Arr. alph. by names of soldiers. No index. Hdw. 6 x 6 x 11. Bsmt. stor. rm.

MISCELLANEOUS

58. POWER OF ATTORNEY, 1912-. 2 f. b.

Original power of attorney authorizations filed in clerk's office, showing dates of instrument and filing, names of principal and agent, and limitations of power. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Clk. off.

59. LIVERY STABLE LEDGER, 1906-16. 1 vol.

Record of official expenditures for livery services, showing date, amount and kind of service, names of official served and payee, and amount paid. Arr. chron. by dates of services. Indexed alph. by names of officials. Hdw. 375 pp. 14 x 6 x 1½. Clk. off.

60. [REGISTER OF OFFICERS], 1835-52, 1857-99. 2 vols.
Register of bonded officials, showing dates of commission and expiration of term of office, names of official and sureties, and amount of bond. Arr. chron. by dates of commissions. No index. Hdw. 150 pp. 16 x 11 x 1. Clk. off.

61. ESTRAY NOTICES, 1881-86. 2 f.b.
Original notices of estrayed animals filed with clerk by justices of peace, showing dates of notice and finding, name and address of finder, description of animal, and where found. Arr. chron. by dates of notices. No index. Hdw. 10 x 4 x 14. Clk. off.

RECEIPTS AND DISBURSEMENTS

62. CLERK'S DAILY BALANCE AND CASH BOOK, 1916-. 6 vols.
(1 vol. not numbered, 4-8).
Daily record of cash and depository balances, showing date of balance, names of fund and depository, cash balances at start and close of day, total deposited and withdrawn, cash in drawer, and depository balances. Arr. chron. by dates of balances. No index. Hdw. 600 pp. 11 x 10 x 3. 3 vols., 1916-28, bsmt. stor. rm.; 3 vols., 1929-, clk. off.

63. SUPPORT DOCKET, 1908-. 4 vols. (1-4).
Record of alimony and support payments received and disbursed by clerk, showing cause number, dates and amounts of receipt and disbursement, and names of payer and payee. Arr. num. by cause nos. Indexed alph. by names of payers. Hdw. 240 pp. 16 x 10 x 1½. Clk. off.

64. REGISTER OF FEES AND FUNDS HELD IN TRUST, 1912-. 4 vols. (1-4).
Record of fees and funds held in trust by clerk pending proper disbursement, showing cause number, dates and amounts of receipt and disbursement, names of plaintiff, defendant, payer and payee, and volume and page reference to Order Book [Civil], entry 123, and Order Book, Probate, entry 163. Arr. chron. by dates of receipts and disbursements. Indexed alph. by names of payers. Hdw. 320 pp. 18 x 12 x 2½. Clk. off.

65. CASH BOOK OF RECEIPTS AND DISBURSEMENTS, 1926-. 4 vols. (4-7).
Daily record of receipts and disbursements, showing dates and numbers of receipt and disbursement, names of fund, payee and payer, amounts and nature of receipt and disbursement, and balance. This is a combination of two records formerly kept separately: Cash Book of Receipts, entry 66; Disbursement

Record, entry 67. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 280 pp. 18 x 18 x 2½. Clk. off.

66. CASH BOOK OF RECEIPTS, 1912-25. 3 vols. 1926— in Cash Book of Receipts and Disbursements, entry 65.

Daily record of all cash received, showing date, amount and nature of receipt, name of payer, and receipt number. Arr. chron. by dates of receipts. No index. Hdw. 250 pp. 18 x 24 x 2½. Clk. off.

67. DISBURSEMENT RECORD, 1912-25. 2 vols. (3A, 1). Title varies: Cash Book Disbursement, 1912-17, 1 vol. 1926— in Cash Book of Receipts and Disbursements, entry 65.

Daily record of disbursements, showing date, number and purpose of check, names of payee, account and depository, and total disbursements and monthly balance. Arr. chron. by dates of disbursements. No index. Hdw. 350 pp. 18 x 12 x 2. Clk. off.

68. CLERK'S RECEIPTS, 1926—. 14 vols.

Stubs of receipts issued by clerk, showing date of receipt, name of payer, and amount and nature of payment. Arr. chron. by dates of receipts. No index. Hdw. 300 pp. 14 x 12 x 1. Clk. off.

MAPS

69. WARRICK COUNTY, INDIANA, 1922. 1 map.

Political and communication map of Warrick County, showing date of map, township, village and town boundaries, highways, roads, creeks, drains, and public buildings. Drawn by B. C. Samples. Published at Boonville by B. C. Samples. Printed. Scale: 2" to 1 mi. 53 x 50. Clk. off.

70. CITY OF BOONVILLE, INDIANA, 1930. 1 map.

Plan of water and drainage systems in Boonville, showing date of map, and names and locations of water mains, sewers, streets and alleys. Drawn by B. C. Samples. Published at Boonville by B. C. Samples. Blueprint. Scale: 2" to 1 mi. 36 x 39. Clk. off.

IV. RECORDER

The recorder is a constitutional officer, elected for a four-year term by the voters of the county. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851. Under the Constitution of 1816 the recorder was elected for a seven-year term by the voters of

the county.¹ He is commissioned by the governor,² and holds office until his successor is elected and qualified.³ No person is eligible to the office for more than eight years in any 12 year period.⁴ The recorder must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding said office, he must reside within the county, must not hold any other lucrative office,⁶ and must not practice law.⁷ Under the Constitution of 1816 the offices of recorder and clerk of the circuit court could be held simultaneously by one person.⁸ The recorder must post bond in the amount of \$4,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹⁰

The recorder receives a regular salary of \$1,120 per year.¹¹ He is permitted to retain, as compensation for himself, in addition to his regular salary, 20 percent of the fees collected by him, provided the total amount of fees so retained be not more than \$4,880.¹²

¹ Const. 1816, art. 11, sec. 10. Const., art. 6, sec. 2. Acts 1816-17, ch. 19, sec. 1. Rev. Stat. 1838, ch. 85, sec. 1. Rev. Stat. 1843, ch. 4, secs. 2, 8; ch. 5, sec. 1; ch. 8, sec. 1. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

² Const. 1816, art. 11, sec. 9. Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2. Carson v. McPhetridge (1860), 15 Ind. 327.

⁵ Const. 1816, art. 11, sec. 14. Const., art. 6, sec. 4.

⁶ Const. 1816, art. 11, secs. 6, 13. Const., art. 2, sec. 9; art. 6, sec. 6.

⁷ Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. McCracken v. State (1867), 27 Ind. 491.

⁸ Const. 1816, art. 11, sec. 10. Rev. Stat. 1843, ch. 4, sec. 62.

⁹ Rev. Laws 1831, ch. 77, secs. 2, 3. Rev. Stat. 1838, ch. 85, secs. 2, 3. Rev. Stat. 1843, ch. 4, secs. 86, 90; ch. 8, secs. 2, 3. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469. State ex rel. Lowry v. Davis (1884), 96 Ind. 539; State ex rel. Lowry v. Davis (1889), 117 Ind. 307, 20 N. E. 159.

¹⁰ Const. 1816, art. 11, sec. 6. Const., art. 15, sec. 4. Rev. Stat. 1843, ch. 4, secs. 77, 78, 81-84, 92; ch. 8, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹¹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹² Acts 1933; Burns 49-1001, 49-1005, 49-1009; Baldwin 7531, 7535, 7539. Acts 1933, 1937; Burns, 1939 suppl., 49-1009; Baldwin, 1937 suppl., 7539. Shilling v. State ex rel. Board of County Comrs. (1901), 158 Ind. 185, 62 N. E. 49.

For sufficient legal grounds, the recorder may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹³ If the recorder is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁴

Any vacancy in the office of recorder is filled by appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), a recorder is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take an oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁵

Under authority from the board of commissioners, the recorder may appoint one deputy and one or more assistants. The county council fixes their salaries, which must be not less than \$75 nor more than \$125 per month.¹⁶ The recorder may require the deputy to give bond.¹⁷ The deputy must take the oath required of the recorder, may perform all of the official duties of the recorder, and is subject to the same regulations and penalties.¹⁸ The recorder may remove such deputy and assistants at any time, and is responsible for their official acts.¹⁹

¹³ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁴ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁵ Const., art. 6, sec. 9. Rev. Laws 1824, ch. 36, sec. 1. Rev. Stat. 1838, ch. 85, sec. 14. Rev. Stat. 1843, ch. 4, sec. 155; ch. 8, sec. 16. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. *Hedley v. Board of County Comrs.* (1835), 4 Blackf. 131; *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. *State ex rel. Ault v. Long* (1883), 91 Ind. 351. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁶ Rev. Stat. 1838, ch. 85, sec. 11. Rev. Stat. 1843, ch. 8, sec. 13. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

¹⁷ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁸ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

¹⁹ Rev. Stat. 1838, ch. 85, sec. 11. Rev. Stat. 1843, ch. 8, sec. 13. 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

The office of recorder, with duties similar to those of the present office, was established in Warrick County when the county was organized in 1813. The governor of Indiana Territory appointed the recorder for an indefinite term and could remove him from office at any time. He was required to post bond in the amount of \$1,500.²⁰

Formerly the county treasurer, auditor, and recorder selected petit jurors for the circuit court and court of common pleas.²¹

The recorder records, in specific books and files (other than the miscellaneous record), the following documents: Deeds;²² land patents from the United States;²³ mortgages, and satisfactions, releases, and assignments thereof;²⁴ maps

²⁰ Acts 1807, ch. 18. Acts 1813, ch. 23, secs. 1, 2.

²¹ 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1.

These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

²² Acts 1807, ch. 18, secs. 1, 8, 9. Acts 1817-18 (general), ch. 28, secs. 1, 10. Acts 1819-20, ch. 65, sec. 2. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, secs. 1, 4. Acts 1836-37 (general), ch. 9, secs. 9-16. Rev. Stat. 1838, ch. 44, sec. 7; ch. 85, secs. 1, 4. Rev. Stat. 1843, ch. 8, secs. 5, 9; ch. 28, secs. 24, 25, 48. 1 Rev. Stat. 1852; Burns 49-3210, 56-118, 56-131; Baldwin 5475, 14664, 14665. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Lowry v. Smith (1884), 97 Ind. 466.

Cemetery records. Rev. Stat. 1843, ch. 25, secs. 62-65. Acts 1925; Burns 21-223; Baldwin 4648. 1 Rev. Stat. 1852; Burns 25-1521, 25-1522; Baldwin 10600, 10602.

Wabash and Erie Canal deeds. Acts 1881 (Spec. Sess.); Burns 2-1626; Baldwin 267.

Deeds made by commissioners appointed by court. Acts 1881 (Spec. Sess.); Burns 3-1008; Baldwin 894.

Tax deeds and certificates. Acts 1813-14, ch. 14, sec. 3. Rev. Stat. 1843, ch. 12, sec. 159. 1 Rev. Stat. 1852, ch. 6, sec. 197. Acts 1881 (Spec. Sess.), ch. 96, sec. 211.

Deeds of school lands and deeds connected with school fund loans. Rev. Stat. 1838, ch. 94 (12), sec. 7. Rev. Stat. 1843, ch. 13, secs. 44, 49. Acts 1899; Burns 28-255; Baldwin 6607.

²³ "May be recorded as other deeds and conveyances." Acts 1881; Burns 2-1632; Baldwin 271.

²⁴ Acts 1807, ch. 18, secs. 1, 4, 8, 9. Acts 1817-18 (general), ch. 28, sec. 1. Acts 1825-26, ch. 42, sec. 17. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, sec. 1. Rev. Stat. 1838, ch. 44, secs. 7, 12; ch. 85, secs. 1, 4, 8, 9. Rev. Stat. 1843, ch. 8, secs. 5, 9; ch. 28, secs. 26, 27, 48; ch. 29, secs. 52, 63, 69-71. Acts 1909, 1917, 1923; Burns 2-617; Baldwin 61-2 (repealed by Acts 1937, ch. 97, sec. 4). Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1905; Burns 49-3202, 49-3204; Baldwin 5476, 5473. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. 1 Rev. Stat. 1852; Burns 56-122; Baldwin 14673. 2 Rev. Stat. 1852; Burns 56-705, 56-708; Baldwin 989, 992. Acts 1901; Burns 56-709, 56-710; Baldwin 993, 994. Acts 1925; Burns 56-712, 56-713; Baldwin 10575, 10576. 2 Rev. Stat. 1852, Acts 1877; Burns 56-715;

and plats;²⁵ decrees quieting titles to lands;²⁶ farm names;²⁷ old-age assistance awards;²⁸ statutory liens of owners of stallions;²⁹ probated wills;³⁰ soldiers' and sailors' discharge papers;³¹ satisfactions of vendor's liens;³² and oil and gas leases (in miscellaneous record before 1928).³³ Formerly indentures of apprentices were recorded in specific books.³⁴

The county recorder keeps a miscellaneous record in which he records the following documents: Leases of land;³⁵

Baldwin 996. Acts 1877; Burns 56-716; Baldwin 998. Acts 1899; Burns 56-717; Baldwin 997. Anderson Bldg. & L. Sav. Assn. v. Thompson (1881), 87 Ind. 278; Mechanics' Bldg. Assn. v. Whitacre (1884), 92 Ind. 547; Chandler v. Scott (1891), 127 Ind. 226, 26 N. E. 797; State ex rel. McCoy v. Krost (1894), 140 Ind. 41, 39 N. E. 46.

Chattel mortgages. Rev. Stat. 1838, ch. 85 (first act), sec. 1; ch. 85 (second act), sec. 1. 1 Rev. Stat. 1852, Acts 1897; Burns 33-301, 33-302; Baldwin 8373, 8374 (first section repealed by Acts 1935, ch. 147, sec. 20). Acts 1935; Burns, 1939 suppl., 51-504 to 51-517; Baldwin, 1935 suppl., 13227-4 to 13327-17.

School fund loans. Acts 1836-37 (general), ch. 2, sec. 10. Rev. Stat. 1838, ch. 85, sec. 10. Acts 1865; Burns 28-233; Baldwin 6583. Stockwell v. State ex rel. Johnson (1885), 101 Ind. 1.

Mortgages held by county agent. Rev. Stat. 1838, ch. 89, sec. 15.

²⁵ Rev. Laws 1831, ch. 77, sec. 7. Rev. Stat. 1838, ch. 85, sec. 12. Rev. Stat. 1843, ch. 8, sec. 14. 1 Rev. Stat. 1852, ch. 9. Acts 1881 (Spec. Sess.); Burns 6-1127; Baldwin 3168. Acts 1925; Burns 21-219 to 21-221, 21-225, 21-226, 21-228; Baldwin 4644 to 4646, 4650, 4651, 4653. 1 Rev. Stat. 1852; Burns 25-1522; Baldwin 10602. Acts 1905; Burns 48-801, 48-802; Baldwin 12473, 12474. 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

²⁶ Acts 1911; Burns 3-1409; Baldwin 968.

²⁷ Acts 1913; Burns 49-3226 to 49-3230; Baldwin 5488 to 5492.

²⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

²⁹ Acts 1889, ch. 116, sec. 4. Acts 1913, 1933; Burns 16-910; Baldwin 3793.

³⁰ Acts 1891; Burns 7-712; Baldwin 3413.

Wills probated in another county should be recorded in the deed record. Acts 1933; Burns 7-713; Baldwin 3414.

³¹ Acts 1925; Burns 59-1002 to 59-1004; Baldwin 11002 to 11004.

The law requires the recording in a separate book and requires an index thereto. *Ibid.*

³² Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1889; Burns 56-144, 56-145; Baldwin 14702, 14703.

³³ Rev. Stat. 1843, ch. 28, sec. 25. 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

Miscellaneous record specified. Acts 1897; Burns 56-120.

³⁴ Rev. Laws 1831, ch. 69, sec. 7. Rev. Stat. 1838, ch. 4, sec. 2. Rev. Stat. 1843, ch. 35, secs. 138, 139. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475.

The law providing for indenturing of apprentices was repealed in 1939. Acts 1939, ch. 10.

³⁵ Rev. Stat. 1843, ch. 28, sec. 25. 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

Miscellaneous record specified. Acts 1897; Burns 56-120.

powers of attorney;³⁶ surveys establishing a meridian line;³⁷ leases of rolling stock and equipment of railroads;³⁸ statutory liens of laborers, materialmen,³⁹ and transfermen;⁴⁰ surveyor's field notes;⁴¹ fence marks;⁴² official bonds of the clerk of the circuit court;⁴³ limited partnerships;⁴⁴ statutory statements of express companies;⁴⁵ notices of disputes of easements;⁴⁶ charters and proceedings of corporations and associations;⁴⁷ certificates revoking the admission of foreign corporations to transact business in this state;⁴⁸ conditional sales of fixtures;⁴⁹ federal tax lien notices, and satisfactions and releases thereof;⁵⁰ marks and brands of an-

³⁶ Acts 1881 (Spec. Sess.), 1891; Burns 2-2519; Baldwin 391. Acts 1883; Burns 49-1309, 56-108, 56-109; Baldwin 14733, 14729, 14732. 1 Rev. Stat. 1852; Burns 56-106, 56-107, 56-137; Baldwin 14730, 14731.

³⁷ Acts 1895; Burns 49-3327 to 49-3329; Baldwin 10849 to 10851.

³⁸ Acts 1891; Burns 55-3716 to 55-3718; Baldwin 15449 to 15451.

³⁹ Rev. Stat. 1838, ch. 69, sec. 7. Rev. Stat. 1843, ch. 42, sec. 5. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 650, p. 182. Acts 1867, ch. 36, sec. 2. Acts 1883, ch. 115, sec. 4. Acts 1909; Burns 43-703, 43-704; Baldwin 10507, 10508. State ex rel. Lyons v. Phillips (1901), 157 Ind. 481, 62 N. E. 12. Corporation employees. Acts 1877 (Spec. Sess.); Burns 43-302; Baldwin 10547.

⁴⁰ Acts 1921, 1929; Burns 43-1002, 43-1003; Baldwin 10529, 10530.

⁴¹ Acts 1828-29, ch. 94, sec. 1. Rev. Laws 1831, ch. 102, sec. 7. Rev. Stat. 1843, ch. 10, secs. 10, 11, 14. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁴² Acts 1877 (Spec. Sess.); Burns 30-510; Baldwin 7630.

⁴³ Rev. Laws 1831, ch. 15, sec. 5. Rev. Stat. 1838, ch. 17. Rev. Stat. 1843, ch. 4, sec. 89. 1 Rev. Stat. 1852; Burns 49-106; Baldwin 13066.

⁴⁴ Such documents are required to be recorded "in a book to be kept for that purpose." Rev. Stat. 1843, ch. 32, sec. 4. Acts 1859; Burns 50-104, 50-106, 50-112; Baldwin 13195, 13197, 13209.

⁴⁵ Acts 1879 (Spec. Sess.); Burns 55-4102; Baldwin 14401.

⁴⁶ 1 Rev. Stat. 1852; Burns 56-804; Baldwin 14775.

⁴⁷ Acts 1820-21, ch. 20, sec. 1. Rev. Laws 1824, ch. 64, secs. 1, 7; ch. 87, secs. 7, 9. Acts 1929; Burns 25-219, 25-228, 25-235, 25-241, 25-242, 25-305, 25-309, 25-311; Baldwin 4919, 4928, 4935, 4941, 4942, 4963, 4967, 4969. Acts 1883; Burns 25-2002; Baldwin 10681. Acts 1909; Burns 25-3602; Baldwin 9280-2.

⁴⁸ Acts 1929; Burns 25-311; Baldwin 4969.

⁴⁹ Acts 1935; Burns, 1939 suppl., 58-806, 58-809 to 58-811; Baldwin, 1935 suppl., 14857-5, 14857-8 to 14857-10.

The law requires a separate record to be kept. *Ibid.*

⁵⁰ Acts 1925; Burns 49-3221 to 49-3225; Baldwin 10570 to 10574.

The law requires recording in a file labelled "Federal Tax Lien Notices" and requires the keeping of an index book labelled "Federal Tax Lien Index." *Ibid.*

imals;⁵¹ inheritance tax receipts;⁵² contracts waiving liens of laborers, materialmen, and building contractors;⁵³ and other documents presented for recording (not mentioned in the preceding paragraph) which no law requires to be recorded in a separate or specific book or file.⁵⁴ Formerly he recorded, in the miscellaneous record, dentists' certificates of registration⁵⁵ and special assessments against lands benefited by ditches and drains.⁵⁶ The recorders of Warrick County started keeping the miscellaneous record in 1856 and have kept said record continuously since then. Documents of the kinds recorded in the miscellaneous record after 1856 were previously recorded in the deed record. Recorders in all of the counties started keeping miscellaneous records about the same time, though no statute has ever required the keeping of such record. The general assembly has on several occasions required that certain specified documents be recorded in the miscellaneous record, and thus recognized the custom of the recorders in keeping such records.⁵⁷

To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,⁵⁸ and the intangible tax thereon (if any) must be paid.⁵⁹ For tax-

⁵¹ Acts 1835-36 (general), ch. 24, sec. 1. Rev. Stat. 1838, ch. 85, secs. 6, 7. Rev. Stat. 1843, ch. 8, secs. 11, 12. 1 Rev. Stat. 1852; Burns 49-3231; Baldwin 5474.

⁵² Acts 1913, ch. 47, sec. 21.

This act, which was superseded by Acts 1931, ch. 75, provided that such receipts be recorded in a book labelled "Transfer Tax."

⁵³ Acts 1921, ch. 56, sec. 1.

The law requires the recording by the recorder "in books provided by him for that purpose" and requires an index thereto "in books kept for that purpose." *Ibid.*

⁵⁴ Rev. Laws 1831, ch. 77, sec. 7. Rev. Stat. 1838, ch. 85, sec. 12. Rev. Stat. 1843, ch. 8, sec. 14. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471.

⁵⁵ Acts 1837, ch. 32, sec. 9 (repealed by Acts 1899, ch. 211, sec. 29).

⁵⁶ Acts 1907, ch. 252, sec. 6 (repealed by Acts 1933, ch. 264, sec. 81).

⁵⁷ Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁵⁸ Acts 1807, ch. 18, secs. 8, 9, 11-13. Acts 1810, ch. 42, sec. 2. Rev. Laws 1831, ch. 41, secs. 7, 11. Rev. Stat. 1838, ch. 44, secs. 7-11. Rev. Stat. 1843, ch. 28, secs. 28-45, 48-51. Acts 1905; Burns 48-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1939 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14666, 14669, 14658, 14677, 14659, 14733.

The acknowledgment or proof must be recorded with the instrument. *Ibid.*

⁵⁹ Acts 1933; Burns 64-929; Baldwin 15927.

ation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered. No conveyance of land can be recorded by the recorder until after the instrument has been presented to the auditor and the auditor has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.⁶⁰

The recorder keeps an entry book in which he enters, as filed, all instruments delivered to him for recording, noting the day and hour received, which time is the legal date of recording. Official receipts for such instruments are issued.⁶¹ He keeps a combined fee book and cashbook, and enters therein, as received, all money received in his office.⁶² He is required to index the deeds, mortgages, and other instruments recorded by him.⁶³

Printed blank forms (furnished by the county) of deeds, mortgages, and other instruments may be used by the recorder

⁶⁰ Rev. Stat. 1843, ch. 12, secs. 25, 26. 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

⁶¹ Acts 1807, ch. 18, sec. 10. Acts 1817-18 (general), ch. 28, sec. 10. Rev. Laws 1831, ch. 77, sec. 4. Rev. Stat. 1838, ch. 85, sec. 4. Rev. Stat. 1843, ch. 8, secs. 6-8; ch. 28, sec. 46. Acts 1895; Burns 49-3203; Baldwin 5472. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3211; Baldwin 14665. *Hand v. Board of County Comrs.* (1866), 26 Ind. 179; *Holman v. Doran* (1877), 56 Ind. 358; *Gilchrist v. Gough* (1878), 63 Ind. 576; *Moore v. Glover* (1888), 115 Ind. 367, 16 N. E. 163.

⁶² Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1308; Baldwin 7566. Acts 1895; Burns 49-1401; Baldwin 7576.

⁶³ Acts 1825, ch. 44, sec. 1. Rev. Laws 1831, ch. 77, sec. 5. Rev. Stat. 1838, ch. 85, sec. 5. Rev. Stat. 1843, ch. 8, sec. 10. *Garrett v. Board of County Comrs.* (1883), 92 Ind. 518.

Deeds. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471. 1 Rev. Stat. 1852, Acts 1855; Burns 49-3216, 49-3218; Baldwin 5480, 5482. *Turpen v. Board of County Comrs.* (1855), 7 Ind. 172; *State ex rel. Board of County Comrs. v. Atkinson* (1861), 17 Ind. 26.

Mortgages. 1 Rev. Stat. 1852; Burns 49-3209, 49-3217, 49-3218; Baldwin 5471, 5481, 5482. *Gilchrist v. Gough* (1878), 63 Ind. 576; *Reeder v. State ex rel. Harlan* (1884), 98 Ind. 114.

Index to chattel mortgage minute book. Acts 1935; Burns, 1939 suppl., 51-510; Baldwin, 1935 suppl., 13227-10.

Federal tax liens. Acts 1925; Burns 49-3222; Baldwin 10571.

Conditional sales of fixtures. Acts 1935; Burns, 1939 suppl., 58-806, 58-809; Baldwin, 1935 suppl., 14857-5, 14857-8.

Quiet title record. Acts 1911; Burns 3-1409; Baldwin 968.

Soldiers' and sailors' discharge papers. Acts 1925; Burns 59-1003; Baldwin 11003.

Contracts waiving liens of laborers, materialmen, and building contractors. Acts 1921, ch. 56, sec. 1.

for recording such instruments (executed like printed forms) for any person who presented 500 or more instruments to the recorder for recording during the last preceding year.⁶⁴

The photographic process of recording instruments may be used by the recorder if adopted by the board of commissioners. Such method has never been used generally by the recorder of Warrick County.⁶⁵

Forms for the following books were prescribed for recorders by the state board of accounts: A combined fee book and cashbook; register of farm names; chattel mortgage minute book; and abstract of old-age assistance awards. Said board has prescribed forms of blanks for report of fees collected, application for registration of farm names, certificates of registration of farm names, and chattel mortgage receipt.⁶⁶

The books and accounts of the recorder are inspected from time to time, without notice, by the state examiner.⁶⁷

FILING OF INSTRUMENTS FOR RECORDING

71. ENTRY BOOK OF DEEDS, 1817-32, 1853-61, 1921-. 4 vols. (2 vols. not numbered, 6, 7).

Record of filing of instruments for recording, showing number and kind of instrument, date and time of filing, names of principals, location and description of property, amount of consideration, and volume and page reference to recording. Also contains: Entry Book of Mortgages, 1817-32, 1853-61, entry 72; Register of Fees, 1817-32, 1853-61, entry 108. Arr. num. by instrument nos. No index. Hdw. 500 pp. 18 x 12 x 4. Recr. off.

72. ENTRY BOOK OF MORTGAGES, 1904-. 5 vols. (4-8).

1817-32, 1853-61 in Entry Book of Deeds, entry 71. Record of filing of mortgages for recording, showing date and time of filing, instrument number, kind of mortgage, names of mortgagor and mortgagee, location and description of property, amounts of mortgage and recording fee, and volume and page reference to recording. Arr. chron. by dates of filing. No index. Hdw. 500 pp. 18 x 12 x 2½. Recr. off.

⁶⁴ Acts 1875 (Spec. Sess.), 1919; Burns 49-3306; Baldwin 5487.

⁶⁵ Acts 1927; Burns 49-3207; Baldwin 14667.

⁶⁶ Acts 1909; Burns 60-202; Baldwin 13655. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁶⁷ Acts 1909; Burns 60-211; Baldwin 13662.

LAND TRANSFERS

DEEDS

73. GENERAL INDEX TO DEEDS, 1814-. 15 vols. (1-15). General index to Deed Record, entry 75; Sheriff's Deed Record, entry 77; Tax Title Deed Record, entry 78; Guardians', Administrators' and Commissioners' Deed Record, entry 79; Auditor's Deed Record, entry 80, showing dates of instrument and recording, names of grantor and grantee, location and description of property, amounts of consideration and fee, and volume and page reference to recording. Arr. alph. by names of grantors. Hdw. 600 pp. 18 x 12 x 3. Recr. off.

74. GENERAL INDEX TO DEEDS, 1814-. 15 vols. (1-15). General index to Deed Record, entry 75; Sheriff's Deed Record, entry 77; Tax Title Deed Record, entry 78; Guardians', Administrators' and Commissioners' Deed Record, entry 79; Auditor's Deed Record, entry 80, showing same information as in entry 73. Arr. alph. by names of grantees. Hdw. 600 pp. 18 x 12 x 3. Recr. off.

75. DEED RECORD, 1812-. 96 vols. (1-96). Transcripts of deeds for conveyance of titles to real property, showing dates of deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Also contains: Sheriff's Deed Record, 1812-June 23, 1867, entry 77; Tax Title Deed Record, 1812-Apr. 20, 1863, entry 78; Guardians', Administrators' and Commissioners' Deed Record, 1812-June 6, 1881, entry 79; Auditor's Deed Record, 1812-Mar. 2, 1854, entry 80; Mortgage Record, 1812-Feb. 24, 1852, entry 85; Chattel Mortgage, 1812-Feb. 24, 1852, entry 90; Miscellaneous Record, 1819-55, entry 100. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate indexes, 1814-, see entries 73 and 74. 1812-Dec. 12, 1907, hdw.; Dec. 13, 1907-, typed. 600 pp. 18 x 12 x 3. Recr. off.

76. DEEDS, 1903-. 24 f. b. (A-X). Original deeds left for recording and uncalled for, showing dates of deed and recording, names of grantor and grantee, location and description of property, and amount of consideration. Arr. alph. by names of grantees. No index. Hdw. and typed. 10 x 4 x 14. Recr. off.

77. SHERIFF'S DEED RECORD, June 24, 1867-. 4 vols. (1-4). 1812-June 23, 1867 in Deed Record, entry 75. Transcripts of deeds for conveyance of titles to real property

sold to satisfy judgments, showing dates of sale, deed and recording, names of grantor and grantee, location and description of property, and amounts of sale and judgment. Arr. chron. by dates of recording. Indexed alph. by names of grantees; for separate indexes, see entries 73 and 74. 1867-1909, hdw.; 1910-, typed. 275 pp. 18 x 12 x 2½. Recr. off.

78. TAX TITLE DEED RECORD, Apr. 21, 1863-. 2 vols. 1812-Apr. 20, 1868 in Deed Record, entry 75.

Transcripts of deeds executed by auditor for conveyance of titles to real property sold for nonpayment of taxes, showing dates of sale, deed and recording, names of grantor, grantee and owner, location and description of property, and amount of sale. Arr. chron. by dates of recording. Indexed alph. by names of grantees; for separate indexes, see entries 73 and 74. Hdw. 310 pp. 18 x 12 x 2½. Recr. off.

79. GUARDIANS', ADMINISTRATORS' AND COMMISSIONERS' DEED RECORD, June 7, 1881-. 3 vols. (1-3). 1812-June 6, 1881 in Deed Record, entry 75.

Transcripts of deeds executed by guardians, administrators and commissioners for conveyance of titles of real property sold in settlement of estate and guardianship causes, showing dates of sale, deed and recording, title of cause, names of grantor, grantee, witnesses and guardian, administrator or commissioner, location and description of property, amount of consideration, and volume and page reference to Order Book, Probate, entry 163. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate indexes, see entries 73 and 74. 1881-June 26, 1909, hdw.; June 27, 1909-, typed. 575 pp. 18 x 12 x 2½. Recr. off.

80. AUDITOR'S DEED RECORD, Mar. 3, 1854-. 1 vol. 1812-Mar. 2, 1854 in Deed Record, entry 75.

Record of deeds executed by auditor to purchasers of real property sold for nonpayment of school fund loans, showing dates of sale and recording, names of grantor, grantee and mortgagor, location and description of property, and amount of consideration. Arr. chron. by dates of recording. Indexed alph. by names of grantees; for separate indexes, see entries 73 and 74. 1854-Jan. 11, 1904, hdw.; Jan. 12, 1904-, typed. 375 pp. 18 x 12 x 2½. Recr. off.

WILLS AND TITLES

81. RECORD OF WILLS, COURT AND QUIET TITLES, 1894-. 3 vols. (1-3).

Record of wills and judgments quieting titles to real property. Contains:

- i. Transcripts of wills filed for probate, showing dates of will, testator's death and recording, cause number, names of testator, heirs, witnesses and executor, location and description of property, and amounts of bequests. Arr. chron. by dates of recording. Indexed alph. by names of testators.
- ii. Transcripts of judgments rendered in court actions involving titles to real property, showing cause number, dates of action, judgment and recording, names of plaintiff, defendant, attorneys and witnesses, location and description of property, and judgment rendered. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants.

1894-Jan. 11, 1908, hdw.; Jan. 12, 1908-, typed. 300 pp. 18 x 12 x 2½. Recr. off.

For other will records, see entries 151, 152.

82. TRACT BOOK, 1807-90. 1 vol.

Record of original purchases of land from the U. S. Government, showing dates of purchase and recording, name of purchaser, location, description and acreage of land, and amount of consideration. Arr. chron. by dates of recording. No index. Hdw. 143 pp. 18 x 12 x 2. Recr. off.

PLATS

83. TOWN PLATS, 1814-. 4 vols. (A1, A2, 1, 2).

Plat drawings of towns and subdivisions in Warrick County, showing date of drawing, names of town or subdivision and property owner, size, location and number of lot or tract, and date of transfer. Arr. chron. by dates of drawings. No index. Hdw. 151 pp. 18 x 12 x 2. Recr. off.

MORTGAGE TRANSACTIONS

REAL ESTATE

84. GENERAL INDEX OF MORTGAGES, 1835-. 24 vols. (1-24). General index to mortgages recorded in Deed Record, 1835-Feb. 24, 1852, entry 75; Mortgage Record Feb. 25, 1852-, entry 85; Federal Land Bank Mortgages, entry 86; School Fund Mortgage Record, entry 87; and Chattel Mortgage, entry 90, showing dates of mortgage, recording and satisfaction, names of mortgagor and mortgagee, amount and number of mortgage, location and description of property, and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. 300 pp. 18 x 12 x 2½. Recr. off.

85. MORTGAGE RECORD, Feb. 25, 1852-. 60 vols. (numbering varies). 1812-Feb. 24, 1852 in Deed Record, entry 75.

Transcripts of mortgages executed to secure loans on real property, showing date, amount, number and conditions of mortgage, names of mortgagor and mortgagee, location and description of property, and date of recording. Also contains: Federal Land Bank Mortgages, 1928-, entry 86; School Fund Mortgage Record, 1852-May 19, 1854, entry 87; Chattel Mortgage, 1852-Aug. 24, 1876, entry 90. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 84. Hdw. 648 pp. 18 x 12 x 2½. Recr. off.

86. FEDERAL LAND BANK MORTGAGES, 1923-27. 1 vol. 1928- in Mortgage Record, entry 85.

Record of real estate mortgages executed to secure loans from Federal Land Bank of Louisville, Kentucky, showing dates of mortgage and recording, names of mortgagor and mortgagee, amount, conditions and number of mortgage, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors; for separate index, see entry 84. Typed. 600 pp. 18 x 12 x 3. Recr. off.

87. SCHOOL FUND MORTGAGE RECORD, May 20, 1854-. 7 vols. (1-7). 1852-May 19, 1854 in Mortgage Record, entry 85.

Record of mortgages on real property executed to secure school fund loans, showing dates of mortgage, recording and maturity, names of mortgagor, mortgagee and fund, amount, conditions and number of mortgage, and location and description of real estate. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors; for separate index, see entry 84. 1854-May 9, 1910, hdw.; May 10, 1910-, typed. 632 pp. 18 x 12 x 2½. Recr. off.

For original school fund mortgages, see entry 201.

88. REAL ESTATE MORTGAGE, 1909-. 24 f. b. (A-X).

Original real estate mortgages left for recording and uncalled for, showing same information as in entry 85, and volume and page reference to Mortgage Record, entry 85. Arr. alph. by names of mortgagors. No index. Hdw. and typed. 10 x 4 x 14. Recr. off.

CHATTEL

89. CHATTEL MORTGAGE MINUTE BOOK, June 17, 1935-. 2 vols. Abstracts of mortgages executed to secure loans on personal

property, showing dates of mortgage and maturity, names of mortgagor and mortgagee, amount and number of mortgage, description of property, date and time of recording, and file box reference to Chattel Mortgages, entry 92. Arr. num. by mortgage nos. Indexed alph. by names of mortgagors and mortgagees. Hdw. 300 pp. 18 x 12 x 4. Recr. off.

For prior records, see entry 90.

90. CHATTEL MORTGAGE, Aug. 25, 1876 to June 16, 1935. 36 vols. (numbering varies). 1812-Feb. 24, 1852 in Deed Record, entry 75; Feb. 25, 1852-Aug. 24, 1876 in Mortgage Record, entry 85.

Transcripts of mortgages executed to secure loans on personal property, showing dates of mortgage, recording and release, names of mortgagor and mortgagee, amount and conditions of mortgage, and description of property. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors and mortgagees; for separate index, see entry 84. 1876-Sept. 12, 1909, hdw.; Sept. 13, 1909-, typed. 648 pp. 18 x 12 x 2½. Recr. off.

For subsequent records, see entry 89.

91. FEDERAL CROP MORTGAGE, 1932-. 1 f. b.

Original mortgages executed to secure federal loans on crops, showing date, amount, number and conditions of mortgage, names of mortgagor, mortgagee and witnesses, location and description of crop, and volume and page reference to Chattel Mortgage, entry 90. Arr. chron. by dates of mortgages. No index. Hdw. and typed. 10 x 4 x 14. Recr. off.

92. CHATTEL MORTGAGES, 1935-. 1 f. d. (A-Z).

Original chattel mortgages executed to secure loans on personal property and filed with recorder until released, showing date, amount, number and conditions of mortgage, names of mortgagor and mortgagee, description of property, date and time of recording, and volume and page reference to Chattel Mortgage Minute Book, entry 89. Arr. alph. by names of mortgagors. No index. Hdw. and typed. 16 x 19 x 24. Recr. off.

93. [CHATTEL MORTGAGES], 1903-35. 1 f. b.

Original chattel mortgages filed for recording and uncalled for, showing same information as in entry 90. Arr. chron. by dates of recording. No index. Hdw. and typed. 10 x 4 x 14. Recr. off.

94. RECORDER'S RECEIPTS, 1935-. 55 vols.

Duplicates of receipts issued by recorder for chattel mortgages filed until released, showing date and number of receipt, date, amount, number and time of filing of mortgage, and date of maturity. Arr. num. by receipt nos. No index. Hdw. 50 pp. 14 x 9 x ½. Recr. off.

LIENS

95. RECORD OF SERVICE LIEN, 1890-. 1 vol. Last entry 1912.

Record of liens executed to insure payment of stallion service fees, showing dates of service and recording, names and addresses of lienor and lienee, name, registry number and description of sire, description of dam, and amount of lien. Arr. chron. by dates of recording. No index. Hdw. 589 pp. 18 x 12 x 3. Recr. off.

96. RECORD OF RELEASES, May 29, 1905-. 2 vols.

Record of assignments, cancellations and satisfactions of mortgages and liens, showing date and kind of instrument, dates of recording, assignment and release, names of mortgagor, mortgagee, lienor, lienee, assignor and assignee, and amounts of fees. Arr. chron. by dates of recording. No index. Hdw. 397 pp. 18 x 12 x 2. Recr. off.

97. RECORDER'S ABSTRACT OF OLD-AGE ASSISTANCE CERTIFICATES FILED, 1936-. 1 vol.

Abstracts of old-age assistance award certificates establishing liens against property of recipients, showing date of certificate, date and time of filing, name of recipient, and application and certificate numbers. Arr. num. by application nos. Indexed alph. by names of recipients. Hdw. 620 pp. 18 x 12 x 4. Recr. off.

For other old-age assistance records, see entries 98, 322-329.

98. OLD-AGE CERTIFICATES FILED, 1936-. 1 f. b.

Copies of old-age assistance award certificates establishing liens against property of recipients, showing dates of certificate and filing, name and address of recipient, amount of monthly award, and application and certificate numbers. Arr. num. by application nos. No index. Typed. 12 x 6 x 18. Recr. off.

For other old-age assistance records, see entries 97, 322-329.

99. MECHANICS' LIENS, 1915-25. 1 f. b.

Notices of mechanics' liens executed to insure payments for labor and materials, showing dates of lien and recording, names of lienor and lienee, amount of lien, location and description of property, and volume and page reference to Miscellaneous Record, entry 100. Arr. chron. by dates of liens. No index. Hdw. 10 x 4 x 14. Recr. off.

MISCELLANEOUS

100. MISCELLANEOUS RECORD, 1856-. 20 vols. (1-20). 1819-55 in Deed Record, entry 75.

Transcripts of miscellaneous instruments, including:

- i. Notices of mechanics' liens executed to insure payments for labor and materials, showing dates of lien and recording, names of lienor and lienee, amount of lien, and location and description of property.
- ii. Articles of incorporation, showing date of article, name of corporation, place of business, amount of capital stock, description of seal, and names of officers.
- iii. Bills of sale, showing dates of instrument and recording, description and itemized list of property, names of assignor and assignee, and amount realized.
- iv. Powers of attorney, showing dates of instrument and recording, names of principal, agent and notary public, and term and conditions of authorization.
- v. And infrequent recordings of many other instruments of minor nature, showing dates of instrument and recording, nature and conditions of instrument, and names of principals.

Also contains: Oil and Gas Lease, 1856-Apr. 4, 1928, entry 104. Arr. chron. by dates of recording. Indexed alph. by names of principals; for separate index, 1857-84, see entry 101. 1856-Nov. 5, 1900, hdw.; Nov. 5, 1900-, typed. Recr. off.

101. GENERAL INDEX TO MISCELLANEOUS RECORDS, 1857-84. 1 vol.

Partial index to Miscellaneous Record, entry 100, showing dates of instrument and recording, names of principals, nature of instrument, and volume and page reference to recording. Arr. by nature of instruments. Hdw. 200 pp. 18 x 12 x 2. Recr. off.

102. DISCHARGED SOLDIERS, 1865-. 2 vols. (1, 2).

Record of honorable discharges from U. S. military units, showing dates of enlistment and discharge, name, address, age, color and service record of veteran, and date of recording. Arr. chron. by dates of recording. Indexed alph. by names of veterans. Hdw. 485 pp. 18 x 12 x 3. Recr. off.

For other military records, see entries 26, 27, 55-57.

103. REGISTRATION OF FARM NAMES, 1913-. 1 vol. Last entry 1927.

Register of names assigned to farms for purpose of identifying farms and farm products, showing date of registration, names

of farm and owner, and location and description of farm. Arr. chron. by dates of registration. Indexed alph. by names of owners. Typed. 600 pp. 18 x 12 x 3. Recr. off.

104. OIL AND GAS LEASE, 1928-. 2 vols. (1, 2). 1856-

Apr. 4, 1928 in Miscellaneous Record, entry 100. Record of leases of land for drilling oil and gas wells, showing dates of lease and recording, names of lessor and lessee, conditions of lease, location and description of property, and amount of consideration. Arr. chron. by dates of recording. No index. Typed. 684 pp. 18 x 12 x 2½. Recr. off.

105. OIL AND GAS LEASES, 1932-. 3 f. b.

Original leases of land for drilling oil and gas wells left for recording and uncalled for, showing same information as in entry 104. Arr. chron. by dates of leases. No index. Typed. 10 x 4 x 14. Recr. off.

106. COAL OPTIONS, 1932-. 1 f. b.

Original coal and mineral right leases, showing dates of lease and recording, names of lessor and lessee, location and description of property, conditions of lease, amount of consideration, and volume and page reference to Miscellaneous Record, entry 100. Arr. chron. by dates of leases. No index. Typed. 10 x 4 x 12. Recr. off.

107. APPRENTICES TO INDENTURES, 1831-1907. 1 vol.

Record of indentures of apprenticeship, showing dates of indenture and recording, names and addresses of master and parents of apprentice, name, age and race of apprentice, and conditions of apprenticeship. Arr. chron. by dates of indentures. Indexed alph. by names of masters and apprentices. Hdw. 300 pp. 12 x 8 x 1½. Recr. off.

FEE AND CASH RECORDS

108. REGISTER OF FEES, 1896-. 8 vols. (2 vols. not numbered, 1-6). 1817-32, 1853-Apr. 20, 1861 in Entry Book of Deeds, entry 71.

Record of fees collected for recording instruments, showing date of collection, number and kind of instrument, name of payer, amount of fee, and date and amount paid to treasurer. Arr. chron. by dates of payments. No index. Hdw. 600 pp. 18 x 12 x 3. Recr. off.

MAPS

109. BOONVILLE, INDIANA, 1909. 1 map.

Political and communication map of Boonville, showing date

of map, boundary of Boonville, names of streets, alleys, parks and public buildings, and number of blocks. Drawn by John Wilkes. Published at Boonville. Blueprint. Scale: 1" to 200'. 34 x 18. Recr. off.

V. CIRCUIT COURT

The circuit court, established by the Constitution of 1851, consists of one judge elected for a six-year term by the voters of the judicial circuit.¹ Warrick County alone constitutes the second judicial circuit.² The official name of the court is "Warrick Circuit Court."³ This is the only court of record in Warrick County.

The judge of the circuit court is commissioned by the governor,⁴ and holds office until his successor is elected and qualified.⁵ For three years next before his candidacy for election, the judge must have been duly admitted to practice law in Indiana, and also must have practiced or taught law or acted as an officer of the state or a municipality therein during said time (the periods of practice, teaching, and holding office to be combined).⁶ During the term for which he was elected, the judge cannot hold any office of trust or profit under the state, other than a judicial office;⁷ and, while holding the office of judge of the circuit court, the judge must reside within the circuit,⁸ must not hold any other lucrative office,⁹ and must not practice law.¹⁰ He must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹¹

¹ Const., art. 7, secs. 1, 8, 9. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395. Acts 1925, 1929; Burns 4-3220; Baldwin 1258.

² Acts 1919, ch. 8, sec. 1.

³ Acts 1881 (Spec. Sess.); Burns 4-302; Baldwin 1396.

⁴ Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

⁵ Const., art. 15, sec. 3.

⁶ Acts 1939; Burns, 1939 suppl., 4-3224; Baldwin, 1939 suppl., 1223-1.

⁷ Const., art. 7, sec. 16.

⁸ *Ibid.*, sec. 9.

⁹ Const. 1816, art. 11, sec. 13. Const., art. 2, sec. 9.

¹⁰ Acts 1905; Burns 10-3101; Baldwin 2635.

¹¹ Const. 1816, art. 11, sec. 1. Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

The judge of the circuit court receives a regular salary of \$4,200 per year payable out of the state treasury. Additional compensation in an amount not exceeding \$2,800 per year, payable out of the county treasury, may be allowed to the judge by the board of commissioners, on petition of 50 freeholders of the county, and no appropriation by the county council is required.¹² The compensation of the judge cannot be diminished during his continuance in office.¹³

If the judge is convicted of corruption or other high crime, he may, on information in the name of the state, be removed from office by the supreme court.¹⁴ This is the only method by which the judge may be removed from office.¹⁵

Any vacancy in the office of judge of the circuit court is filled through appointment by the governor. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), a judge is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁶

Warrick County was created by an act of March 9, 1813, effective April 1, 1813.¹⁷ At that time there was a court in Indiana Territory known as "The General Court of Indiana Territory", composed of three judges appointed by the President of the United States to serve during good behavior. Any two judges could hold sessions and control the action of the court. The court had original jurisdiction of all civil actions at law, all equity cases (including suits for divorce), and all criminal prosecutions. An act of September 10, 1814 removed from the court all of its equity jurisdiction except as to suits to which the United States was a party.¹⁸ The

¹² Acts 1921; Burns 4-3209; Baldwin 1225. Acts 1927; Burns 4-3217; Baldwin 1229.

¹³ Const., art. 7, sec. 13.

¹⁴ *Ibid.*, sec. 12. Acts 1897; Burns 49-819; Baldwin 13152.

¹⁵ *State v. Dearth* (1929), 201 Ind. 1, 164 N. E. 489; *State ex rel. Youngblood v. Warrick Circuit Court* (1935), 208 Ind. 594, 196 N. E. 254. Interview of July 29, with Omer Stokes Jackson, Attorney General of Indiana.

¹⁶ Const., art. 5, sec. 18. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-402, 49-404, 49-408, 49-409; Baldwin 13101, 13103, 13106, 13107. *State ex rel. Custer v. Schortemeier* (1926), 197 Ind. 507, 151 N. E. 407.

¹⁷ Acts 1813, ch. 23, secs. 1, 2.

¹⁸ Ordinance of 1787; *U. S. Statutes at Large*, 1:51, 52 note. Acts of Congress 1789, ch. 8, secs. 1, 2; *U. S. Statutes at Large*, 1:50. Acts of Congress 1800, ch. 41, secs. 2, 3; *U. S. Statutes at*

general court, being the highest court in the territory, had appellate jurisdiction, on appeal, certiorari, or writ of error, to review decisions of all other courts in the territory (including the circuit court composed of one judge of the general court). It also could require that any cause within its original jurisdiction, pending in any other court, be transferred to the general court for disposition as if it had originated in the general court. This court continued in existence until the Supreme Court of Indiana was organized in 1817, at which time all pending business of the general court was transferred to the supreme court.¹⁹

A single judge of the general court could go to any county and hold a court known as "The Circuit Court", having the original jurisdiction of the general court. This circuit court was often called "The Court of Oyer and Terminer and Jail Delivery" when exercising its jurisdiction in criminal cases, particularly when the governor directed a judge of the general court to go to a county to try a person held in jail for a criminal offense. Cases pending in the general court were usually tried by a single judge thereof as a "Circuit Court" in the county where the cause of action arose, if it arose in a county other than Harrison (containing the territorial capital). A session of this circuit court was held in Warrick County, beginning on June 14, 1813.²⁰ An act of December 31, 1813 abolished this circuit court and transferred its jurisdiction to a new circuit court created by that act.²¹

When Warrick County was organized there was established in the county a court of common pleas composed of three judges appointed by the governor to serve during good behavior. Any two judges could hold sessions and control the action of the court.²² The court had original jurisdiction of all civil

Large, 2:59. Acts of Congress 1805, ch. 38, sec. 1; *U. S. Statutes at Large*, 2:338. Acts 1807, ch. 13, sec. 1; ch. 22, sec. 1; ch. 25, sec. 5; ch. 32, secs. 1, 4. Acts 1811, ch. 41, secs. 1-3. Acts 1813, ch. 28, secs. 1-8; ch. 31, sec. 5. Acts 1814, ch. 17, sec. 7.

¹⁹ Const. 1816, art. 12, secs. 3, 4, 7, 11. Acts 1807, ch. 2, sec. 10; ch. 3, secs. 1-3; ch. 16, secs. 11, 21; ch. 27, sec. 4; ch. 44, sec. 9; ch. 46, sec. 39. Acts 1808, ch. 13, sec. 1. Acts 1813, ch. 31, sec. 8. Acts 1813-14, ch. 17, sec. 4; ch. 29, sec. 11. Acts 1814, ch. 20, secs. 1, 12. Acts 1816-17, ch. 1, sec. 25.

²⁰ Acts 1807, ch. 3, secs. 1, 2, 6. Acts 1813, ch. 15, sec. 2; ch. 31, sec. 2. Common Plea, Probate, Circuit Court, and Commissioners' Court Records, 1813-1831, Book 3:1.

²¹ Acts 1883-14, ch. 29, secs. 1-5.

²² Acts 1807, ch. 2, sec. 1.

actions at law,²³ all equity cases (except suits for divorce),²⁴ and all criminal cases (except where the punishment could extend to "life, limb, imprisonment for more than one year, or forfeiture of goods and chattels or lands and tenements").²⁵ The court also had original jurisdiction of the guardianship and apprenticing of minors, the probate of wills, and the administration of estates of decedents²⁶ and insolvents.²⁷ The court had appellate jurisdiction to review certain decisions of justices of the peace.²⁸ In addition to their judicial powers, the judges of the court of common pleas had power to solemnize marriages, take acknowledgments of deeds,²⁹ and transact county business (including the making of tax levies, allowance of claims against the county, and appointment of several public officials).³⁰ An act of December 31, 1813 abolished the court of common pleas and transferred its jurisdiction to a circuit court created by that act.³¹

²³ Acts 1807, ch. 2, secs. 1, 12, 14; ch. 13, sec. 1; ch. 21, secs. 1, 2; ch. 22, sec. 1; ch. 32, secs. 1, 4, 6; ch. 36, secs. 5-11; ch. 46, secs. 1-32, 41-43; ch. 47, sec. 5; ch. 48, secs. 8, 10, 12; ch. 51, secs. 4-6; ch. 63, sec. 1; ch. 66, sec. 6; ch. 69, sec. 1; ch. 77, secs. 1-7. Acts 1808, ch. 15, secs. 1-3. Acts 1810, ch. 16, secs. 1, 2; ch. 25, sec. 1; ch. 30, secs. 1, 2. Acts 1811, ch. 22, sec. 1; ch. 41, secs. 1, 2. Acts 1813, ch. 8, sec. 7. Acts 1813-14, ch. 6, sec. 3; ch. 17, sec. 5; ch. 19, sec. 2.

²⁴ Acts 1807, ch. 22, sec. 1; ch. 25, sec. 5. Acts 1813, ch. 28, secs. 7, 8; ch. 31, sec. 5.

²⁵ Acts 1807, ch. 1, secs. 1, 3; ch. 2, secs. 1, 7-9; ch. 4, sec. 1; ch. 6, secs. 6-14, 16-19, 24, 30; ch. 11, secs. 4, 5; ch. 37, sec. 5; ch. 48, secs. 10, 12; ch. 51, sec. 3; ch. 82, secs. 2, 3. Acts 1813-14, ch. 21, secs. 1-3.

²⁶ Acts 1807, ch. 16, secs. 1-37; ch. 23, sec. 7; ch. 56, secs. 1-3; ch. 82, sec. 2. Acts 1808, ch. 7, secs. 1-3; ch. 12, sec. 3. Acts 1810, ch. 46, secs. 1, 3.

²⁷ Acts 1807, ch. 57, secs. 1-5. Acts 1813-14, ch. 6, sec. 5.

²⁸ Acts 1807, ch. 33, secs. 10, 20-22, 26, 30; ch. 38, secs. 14-17; ch. 56, sec. 2. Acts 1808, ch. 11, sec. 3. Acts 1810, ch. 27, sec. 3; ch. 46, sec. 3. Acts 1811, ch. 22, secs. 2-4; ch. 36, secs. 3-5, 7. Acts 1813-14, ch. 25, secs. 1, 2.

²⁹ Acts 1807, ch. 7, secs. 1, 4; ch. 18, secs. 8, 9, 11. Acts 1813-14, ch. 14, sec. 2.

³⁰ Acts 1807, ch. 11, sec. 18; ch. 17, secs. 1, 2, 4, 10; ch. 20, secs. 5, 6, 9; ch. 23, secs. 1, 2, 4-6, 9, 10, 20-22, 26, 28, 30; ch. 30, secs. 2, 3; ch. 33 (misnumbered 31), secs. 1, 2, 6; ch. 36, secs. 5-11; ch. 39, secs. 1, 4; ch. 40, sec. 12; ch. 44, secs. 1-24; ch. 47, secs. 1, 3; ch. 48, secs. 7, 12; ch. 51, secs. 1, 8-17, 19, 20, 22; ch. 52, sec. 1; ch. 58, secs. 1, 2; ch. 64, sec. 11; ch. 65, secs. 1-3; ch. 71, secs. 1, 2; ch. 80, sec. 2; ch. 84, sec. 1; ch. 92, secs. 1, 9, 16, 19, 31. Acts 1808, ch. 14, secs. 1, 2; ch. 24, secs. 1-5. Acts 1810, ch. 24, sec. 4; ch. 28, secs. 1, 2. Acts 1811, ch. 11, sec. 1; ch. 16, secs. 2-4, 16, 18; ch. 29, secs. 1, 2; ch. 35, secs. 1, 6-9, 12, 15, 17; ch. 37, secs. 4, 5, 8-10. Acts 1813, ch. 2, secs. 1, 3; ch. 3, sec. 2; ch. 4, sec. 2; ch. 8, secs. 1, 2, 6, 9, 11, 12, 14, 16, 20, 23; ch. 9, sec. 1; ch. 10, secs. 1, 2, 4, 5; ch. 19, secs. 1, 2; ch. 21, sec. 2; ch. 25, sec. 1. Acts 1813-14, ch. 12, secs. 1, 2.

³¹ Acts 1813-14, ch. 29, secs. 1, 2.

The act of December 31, 1813, mentioned in the last two paragraphs, created in each county a circuit court composed of four judges, namely: Three "associate judges", appointed by the governor, to serve in the county only and to hold office during good behavior; and one judge of the general court of the territory, to be officially known as a "circuit judge" and to serve as presiding judge in each county of the judicial circuit. This act divided Indiana Territory into three judicial circuits, and assigned the three judges of the general court to separate circuits. The first judicial circuit was composed of the counties of Gibson, Knox, and Warrick. The act abolished the circuit court (composed of one judge of the general court) and the court of common pleas, and transferred their judicial jurisdiction to the new circuit court. This law further provided that all county business previously transacted by the judges of the court of common pleas should thereafter be transacted by the associate judges of the new circuit court. The act required Judge Benjamin Parke of the general court to serve as circuit judge of the first judicial circuit. The governor appointed Aeneas McAllister, James Marrs, and Bailey Anderson to serve as associate judges in Warrick County. The three judges of the general court refused to serve as circuit judges, hence the new circuit court never functioned as a court. A careful search of the early records of all the counties in existence at that time failed to show that the associate judges transacted any county business in any county, and it is inferred therefrom that they did not do so.³²

An act of August 30, 1814 created in each county a circuit court composed of two "associate judges", to serve in the county only, and one "circuit judge", to serve in each county of the judicial circuit. This act divided Indiana Territory into three judicial circuits. The first circuit was originally composed of the counties of Gibson, Knox, and Warrick. Later the counties of Jackson, Orange, Perry, and Posey were created and attached to this circuit. The circuit judges and the associate judges were appointed by the governor, and served during good behavior. The circuit judge was re-

³² Acts 1813-14, ch. 29, secs. 1-5. Louis B. Ewbank and Dorothy L. Riker, editors, *Laws of Indiana Territory 1809-1816* (1934), 65, 66, 858. Common Plea, Probate, Circuit Court, and Commissioners' Court Records, 1813-1831, Book 3:5.

An act of Congress of February 24, 1815 provided that no person or persons "acting under the authority and appointment" of Indiana Territory could be associated with the judges of the general court. Acts of Congress 1815, ch. 54, sec. 1; *U. S. Statutes at Large*, 3:213.

quired to be learned in the law, a citizen of the United States, and a resident of the territory; and he must have practiced law in the courts of the United States or Indiana Territory regularly for three years before his appointment. The associate judges were required to be "fit persons resident in the county."³³

The circuit court, created by the act of August 30, 1814, had original jurisdiction of all criminal cases, all civil actions at law,³⁴ all equity cases (except, perhaps, suits for divorce),³⁵ and naturalization proceedings.³⁶ The circuit judge presided when he and one or both associate judges were present. Except as otherwise stated hereinafter, the circuit judge alone or any two judges could act for the court; the circuit judge could control the action of the court when he and one associate judge were present; and any two judges could control the action of the court when all three judges were present. The presence of the circuit judge and one associate judge was required "to try any criminal offense the punishment whereof shall extend to life, limb or imprisonment for two years", unless the defendant filed a petition waiving this provision.³⁷ Acts of September 9, 1814 and September 10, 1814 authorized the two associate judges to transact county business³⁸ in accordance with earlier laws prescribing duties of judges transacting county business.³⁹ An act of September 10, 1814 gave the associate judges jurisdiction of the probate of wills and administration of estates of decedents and minors, and provided that one associate judge could exercise such jurisdiction "in and out of court" and that the clerk could assist the judges;⁴⁰ and an act of December 18, 1815 authorized any judge of the circuit court (including the president) to exercise this jurisdiction.⁴¹ An act of December 26, 1815

³³ Acts 1814, ch. 2, secs. 1, 2, 4; ch. 7, secs. 1, 2, 7; ch. 20, sec. 10. Acts 1815, ch. 1, secs. 1, 2; ch. 6, secs. 1, 2; ch. 12, sec. 1.

³⁴ Acts 1814, ch. 2, sec. 3; ch. 20, secs. 1, 5, 16. Acts 1815, ch. 19, sec. 1.

³⁵ Acts 1807, ch. 25, sec. 5. Acts 1813, ch. 28, secs. 1-8. Acts 1813-14, ch. 29, secs. 1-5. Acts 1814, ch. 3, secs. 1, 2; ch. 17, sec. 6; ch. 20, secs. 3, 5; ch. 21, secs. 2, 24, 25, 30.

³⁶ Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155.

³⁷ Acts 1814, ch. 2, sec. 2. *Fuller v. State* (1820), 1 Blackford 63.

³⁸ Acts 1814, ch. 13, secs. 3, 4; ch. 20, sec. 9.

³⁹ Acts 1813-14, ch. 32, secs. 1, 3, 5; ch. 33, secs. 1, 8. Acts 1815, ch. 5, secs. 1, 3, 16; ch. 17, secs. 1, 2. See also the authorities cited in footnote 30 herein.

⁴⁰ Acts 1814, ch. 20, sec. 15 (repealed by Acts 1815, ch. 6, sec. 5).

⁴¹ Acts 1815, ch. 6, sec. 4.

authorized the court to appoint guardians for insane persons.⁴² The circuit judge had authority to license attorneys,⁴³ and the court could appoint prosecuting attorneys.⁴⁴ The court had appellate jurisdiction to review decisions of justices of the peace.⁴⁵ This court continued in existence until the establishment of a new circuit court in 1817 (discussed in the next paragraph), at which time the business of the old circuit court was transferred to the new circuit court.⁴⁶

The Constitution of 1816 created in each county a circuit court composed of a president judge, elected for the circuit by joint ballot of both houses of the general assembly, and two associate judges, elected in the county by the voters thereof.⁴⁷ These judges were commissioned by the governor of the state, and held office for the term of seven years.⁴⁸ Recess appointments of president judges were made by the governor when the general assembly was not in session.⁴⁹ The president judge alone or any two judges could hold a court; but the presence of the president was required in capital punishment cases and cases in chancery. The president judge presided when he and one or both associate judges were present. The president judge could control the action of the court when he and one associate judge were present; and any two judges could control the action of the court when all three judges were present.⁵⁰ The court had original jurisdiction of all criminal cases (except where the punishment could not exceed a fine of \$3), all civil actions at law, all equity cases (including suits for divorce), guardianships, naturalization proceedings, probate of wills, and administration of estates of decedents. The associate judges were sometimes called "The

⁴² *Ibid.*, ch. 18, secs. 1-5.

⁴³ Acts 1814, ch. 2, sec. 12; ch. 3, sec. 4.

⁴⁴ Acts 1813-14, ch. 12, sec. 1. Acts 1814, ch. 3, sec. 4.

⁴⁵ Acts 1813-14, ch. 29, sec. 9. Acts 1814, ch. 2, sec. 3; ch. 3, sec. 3; ch. 20, secs. 2, 4. Acts 1815, ch. 11, sec. 22.

⁴⁶ Const. 1816, art. 12, secs. 1-5, 7, 11. Acts 1816-17, ch. 2, secs. 11, 12; ch. 3, sec. 2.

⁴⁷ Const. 1816, art. 5, secs. 3, 7. Acts 1816-17, ch. 2, sec. 2; ch. 3, sec. 4; ch. 14, secs. 1, 8. Acts 1817-18 (general), ch. 2, sec. 2. Rev. Laws 1824, ch. 24, sec. 2. Rev. Laws 1831, ch. 22, sec. 2. Rev. Stat. 1838, ch. 23, sec. 2. Rev. Stat. 1843, ch. 38, secs. 1-4.

⁴⁸ Const. 1816, art. 5, sec. 4; art. 11, sec. 9.

⁴⁹ *Ibid.*, art. 4, sec. 9.

⁵⁰ *Ibid.*, art. 5, sec. 3. Fuller v. State (1820), 1 Blackford 63; Cook v. State (1844), 7 Blackford 165; Miller v. Burger (1850), 2 Ind. 337.

Adjournment for lack of quorum. Acts 1816-17, ch. 2, sec. 10.

Probate Court" when exercising their jurisdiction concerning decedents' estates.⁵¹ Some of the original jurisdiction of the circuit court was transferred in 1829 to the probate court, which is discussed hereinafter. The court had appellate jurisdiction to review decisions of the board doing county business,⁵² justices of the peace,⁵³ the probate court,⁵⁴ and the court of common pleas.⁵⁵ Decisions of the circuit court were reviewable by the Supreme Court of Indiana.⁵⁶ Since the adoption of the Constitution of 1851, the circuit court has consisted of one judge elected by the voters of the judicial circuit for a six-year term.⁵⁷

With the organization of the circuit courts created by the Constitution of 1816, Warrick County was attached to the first judicial circuit composed of the counties of Daviess, Gibson, Knox, Perry, Pike, Posey, and Warrick.⁵⁸ On January 28, 1818 Warrick County was transferred to the fourth judicial circuit composed of the counties of Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick,⁵⁹ to which circuit the

⁵¹ Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. Const. 1816, art. 5, sec. 3, Acts 1816-17, ch. 2, secs. 5-8; ch. 3, secs. 2, 3; ch. 4, sec. 19. Acts 1817-18 (general), ch. 2, secs. 5-7; chs. 3, 13. Acts 1821-22, ch. 73, sec. 4. Rev. Laws 1824, ch. 24, secs. 4-6. Acts 1825, ch. 35, secs. 1-3. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23, secs. 3-7, 12; ch. 31, sec. 1. Rev. Stat. 1843, ch. 35, secs. 22-72; ch. 38, sec. 6-32. *Prentiss v. Porter* (1822), 1 Blackford 525; *Mills v. Bradley* (1827), 1 Blackford 541; *State v. Albertson* (1829), 2 Blackford 251; *Bequette v. Lasselle* (1840), 5 Blackford 443; *Sherry v. Winton* (1848), 1 Ind. 96.

⁵² Rev. Stat. 1838, ch. 21, secs. 28, 29; ch. 41, sec. 12. Rev. Stat. 1843, ch. 7, secs. 37-43; ch. 11, sec. 11; ch. 16, sec. 56; ch. 17, sec. 18. *Reddington v. Hamilton* (1846), 8 Blackford 62; *Taylor v. Lucas* (1846), 8 Blackford 289; *Malone v. Hardesty* (1848), 1 Ind. 79.

⁵³ Acts 1816-17, ch. 5, sec. 18. Rev. Stat. 1838, ch. 4, sec. 5; ch. 6, secs. 5, 11; ch. 19, sec. 10; ch. 43, sec. 6; ch. 58, secs. 11, 80, 90; ch. 79, sec. 21. Rev. Stat. 1843, ch. 19, secs. 23, 46; ch. 23, sec. 10; ch. 35, sec. 162; ch. 41, secs. 11, 42, 43; ch. 42, sec. 63; ch. 43, secs. 9-13; ch. 45, secs. 173-176, 193, 216; ch. 47, secs. 159-182; ch. 55, sec. 21.

⁵⁴ Acts 1828-29, ch. 26, sec. 4. Rev. Laws 1831, ch. 24, sec. 7; ch. 25, sec. 52. Rev. Stat. 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36.

⁵⁵ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550.

⁵⁶ Acts 1816-17, ch. 1, secs. 7, 13. Acts 1817-18 (general), ch. 1, secs. 7, 13. Rev. Laws 1824, ch. 25, sec. 7. Rev. Laws 1831, ch. 24, sec. 7. Rev. Stat. 1838, ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70, 91.

⁵⁷ Const., art. 7, sec. 8. Acts 1881 (Spec. Sess.); Burns 4-301; Baldwin 1395.

⁵⁸ Acts 1816-17, ch. 2, sec. 1. Acts 1817-18 (general), ch. 2, sec. 1.

⁵⁹ Acts 1817-18 (general), ch. 73, sec. 1. Acts 1819-20, ch. 67, sec. 4. Acts 1820-21, ch. 6, sec. 1; ch. 40, sec. 4. Rev. Laws 1824, ch. 26, sec. 1. Acts 1829-30, ch. 28 (first act), sec. 1. Rev. Laws 1831, ch. 23, sec. 1. Acts 1838-39 (general), ch. 2, sec. 1. Acts 1840-41 (general), ch. 25, sec. 1.

counties of Dubois and Crawford were added in 1820 and 1821, respectively. On June 17, 1852 Warrick County was transferred to the third judicial circuit composed of the counties of Daviess, Dubois, Gibson, Knox, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick.⁶⁰ On February 22, 1859 Warrick County was transferred to the fifteenth judicial circuit composed of the counties of Crawford, Perry, Posey, Spencer, Vanderburgh, and Warrick.⁶¹ On March 6, 1878 Warrick County was transferred to the second judicial circuit composed of the counties of Crawford, Perry, Spencer, and Warrick. The counties of Crawford, Perry, and Spencer were separately omitted from the second circuit on March 24, 1877, March 3, 1903, and April 7, 1919, respectively. Since April 7, 1919 Warrick County alone has constituted the second judicial circuit.⁶² An act of 1919, which has not been amended or repealed, provides for terms of court in Warrick County beginning on the first Monday in January, March, May, September, and November each year, each term lasting "eight weeks and as much longer as the business may require."⁶³ Many laws were enacted by the general assembly before 1919 for the purpose of regulating the commencement and duration of terms of court in the Warrick Circuit Court.⁶⁴

A probate court, consisting of one judge, was established in Warrick County in 1829. It had exclusive original jurisdiction over guardianships, probate of wills, and settlement of decedents' estates; and had original jurisdiction, concurrent with the circuit court, over dower proceedings, partition proceedings, and actions concerning guardians, heirs, devisees, executors, and administrators. The judge was elected for a

⁶⁰ Acts 1851-52, ch. 21, sec. 3.

⁶¹ Acts 1859, ch. 36, sec. 1.

⁶² Acts 1873, ch. 29, sec. 3. Acts 1877, ch. 20, sec. 1. Acts 1903, ch. 65, sec. 1. Acts 1919, ch. 8, sec. 1.

⁶³ Acts 1919, ch. 8, sec. 1.

⁶⁴ Acts 1814, ch. 2, sec. 1; ch. 13, secs. 1-3. Acts 1816-17, ch. 2, sec. 9. Acts 1816-17 (general), ch. 2, sec. 1; ch. 73, sec. 5. Acts 1818-19, ch. 6, sec. 3. Acts 1819-20, ch. 67, sec. 4. Acts 1820-21, ch. 6, sec. 5. Rev. Laws 1824, ch. 26, sec. 5. Acts 1829-30, ch. 28 (second act), sec. 4. Rev. Laws 1831, ch. 23, sec. 5. Acts 1832-33, ch. 67, sec. 3. Rev. Stat. 1838, ch. 23, (fifth act), p. 167. Acts 1838-39 (general), ch. 2, sec. 5. Acts 1840-41 (general), ch. 14, sec. 1. Acts 1841-42 (general), ch. 19, sec. 1. Acts 1846-47 (general), ch. 3, sec. 1. Acts 1859, ch. 36, sec. 2. Acts 1871, ch. 29, sec. 41. Acts 1877, ch. 20, sec. 4. Acts 1879, ch. 16, secs. 1, 2. 1883, ch. 46, secs. 1, 2. Acts 1885 (Spec. Sess.), ch. 15, secs. 1, 2. Acts 1889, ch. 4, secs. 1, 2. Acts 1901, ch. 24, secs. 1, 2. Acts 1903, ch. 65, sec. 1.

seven-year term by the voters of the county.⁶⁵ The court held four terms each year, commencing on the second Monday in February, May, August, and November, each term lasting six days.⁶⁶ Decisions of the probate court were reviewable by the circuit court or the Supreme Court of Indiana.⁶⁷ The probate court was abolished in 1853 and its jurisdiction was transferred to the court of common pleas.⁶⁸

A court of common pleas, consisting of one judge, was established in Warrick County in 1853. The judge was elected for a four-year term by the voters of the common pleas district, composed of the counties of Vanderburgh and Warrick.⁶⁹ Originally the court of common pleas held four terms of court in the county each year, beginning on the third Monday in March, June, September, and October, each term lasting two weeks. The time of beginning the terms was changed several times by statutes. An act of March 3, 1855 authorized special terms in the county for the completion of any business scheduled for regular terms and remaining unfinished at adjournment of the term.⁷⁰ An act of March 1, 1859 provided that the judicial district should be composed of the counties of Gibson, Posey, Vanderburgh, and Warrick.⁷¹ The court of common pleas had exclusive original jurisdiction over guardianships, probate of wills, and settlement of decedents' estates; and had original jurisdiction, concurrent with the circuit court, over naturalization proceedings, equity cases, criminal cases (except offenses punishable by death and offenses punishable only by fine not exceeding \$3), and civil actions at law (except slan-

⁶⁵ Const. 1816, art. 5, sec. 4. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, sec. 1. Rev. Stat. 1843, ch. 4, secs. 2, 9; ch. 39, secs. 1-13.

⁶⁶ Acts 1831-32, ch. 159, sec. 1. Rev. Stat. 1838, ch. 24, sec. 68. Rev. Stat. 1843, ch. 39, sec. 40.

⁶⁷ Acts 1828-29, ch. 26, sec. 4. Rev. Laws 1831, ch. 24, sec. 7; ch. 25, sec. 52. Rev. Stat. 1838, ch. 24, sec. 12; ch. 25, secs. 13, 16. Rev. Stat. 1843, ch. 37, secs. 1, 9, 70; ch. 39, secs. 33-36.

⁶⁸ 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

The Revised Statutes of 1852 took effect on May 6, 1853. Jones v. Cavins (1853), 4 Ind. 305.

⁶⁹ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1, 3, p. 16. Jones v. Cavins (1853), 4 Ind. 305.

⁷⁰ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 29, 30, p. 21. Acts 1853, ch. 32, sec. 1; ch. 33, sec. 1. Acts 1855, ch. 27, secs. 86, 94. Acts 1859, ch. 46, sec. 1; ch. 47, sec. 2; ch. 51, sec. 3. Acts 1861, ch. 37, sec. 1. Acts 1867, ch. 32, sec. 1.

The Revised Statutes of 1852 took effect on May 6, 1853. Jones v. Cavins (1853), 4 Ind. 305.

⁷¹ Acts 1859, ch. 51, sec. 1.

This district, composed of said counties, was officially designated "the first district." Acts 1861, ch. 28, sec. 1.

der, libel, breach of marriage contract, titles to real estate, actions on bonds of state and county officers, and actions to recover less than \$50.01 or more than \$999.99).⁷² Decisions of the court of common pleas were reviewable by the circuit court or the Supreme Court of Indiana.⁷³ The court of common pleas was abolished in 1873, and its jurisdiction was transferred to the circuit court.⁷⁴

The constitution provides for tribunals of conciliation with such powers and duties as may be prescribed by law, but without power to render an enforceable judgment in the absence of agreement of the parties to abide the judgment of such tribunal.⁷⁵ Accordingly, the general assembly, by an act of 1852 which became effective in 1853, established in the county a court of conciliation, to be held by the judge of the court of common pleas. It had jurisdiction of claims and controversies submitted to it for the purpose of effecting a compromise or for determination. In cases of libel, slander, assault and battery, false imprisonment, and malicious prosecution, the complaining party could have the opposite party served with a notice requiring him to appear before the court. Hearings were private and informal. Controversies submitted by both parties to the court for determination were determined according to right and conscience without regard to technical rules. The judge was required to keep a book containing a memorandum of proceedings and the judgment.⁷⁶ This court was abolished in 1865.⁷⁷

The circuit court has original jurisdiction of naturalization proceedings, all criminal cases (except those punishable only by fine not exceeding \$3), all civil actions at law, all suits in equity (including divorce suits), juvenile matters, guardianships, probate of wills, and administration of estates of decedents. The circuit court is known as the "Juvenile

⁷² Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 5, 7, 11, 12, 14, 17, 21, 23.

⁷³ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 13, 20; pt. 2, ch. 1, sec. 550; ch. 10, secs. 189-193; ch. 11, secs. 43-46.

⁷⁴ Acts 1873; Burns 4-328; Baldwin 1417.

⁷⁵ Const., art. 7, sec. 19.

⁷⁶ 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 1-3, 5-8, 12, 13, 18, 20. *Jones v. Cavins* (1853), 4 Ind. 305.

⁷⁷ Acts 1865 (Spec. Sess.), ch. 57.

Court" when exercising jurisdiction of juvenile matters.⁷⁸ The United States Department of Labor does not furnish the circuit court with the necessary printed forms for naturalization proceedings, hence the circuit court is prevented from exercising its naturalization jurisdiction.⁷⁹

The circuit court has appellate jurisdiction⁸⁰ to review decisions of justices of the peace,⁸¹ mayor's courts, city courts, police courts,⁸² board of commissioners,⁸³ board of review fixing value of property for taxation,⁸⁴ taxing authorities determining that property is taxable,⁸⁵ board of public works or board of park commissioners of any city in the county (or city council performing such functions),⁸⁶ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.⁸⁷

The circuit court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;⁸⁸ and to adopt rules for conducting its business.⁸⁹ Decisions of the circuit court are reviewable by the Supreme Court of Indiana or the Appellate Court of Indiana.⁹⁰

The judge of the circuit court is a conservator of the peace throughout his judicial circuit,⁹¹ and is a member of

⁷⁸ Acts of Congress 1802, ch. 28, secs. 1, 3; *U. S. Statutes at Large*, 2:153, 155. Acts of Congress 1824, ch. 186, sec. 4; *U. S. Statutes at Large*, 4:69. Acts of Congress 1906, 1911, 1913; *U. S. C.*, title 8, sec. 357. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1905; Burns 9-711, 9-715; Baldwin 2080, 2084. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1939 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

⁷⁹ Letter of October 15, 1939 from James A. Miller, Clerk of Warrick Circuit Court.

⁸⁰ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

⁸¹ 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

⁸² Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

⁸³ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1905; Burns 36-1501; Baldwin 8858. Acts 1933; Burns 27-117; Baldwin 5753. State ex rel. Sink v. Circuit Court (1938),—Ind.—, 15 N. E. (2d) 624.

⁸⁴ Acts 1927; Burns 64-1020; Baldwin 15686.

⁸⁵ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

⁸⁶ Acts 1933; Burns 43-4501; Baldwin 11576.

⁸⁷ Hamilton v. Fort Wayne (1880), 73 Ind. 1.

⁸⁸ 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

⁸⁹ 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

⁹⁰ 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 550. Acts 1901, 1907, 1915, 1925; Burns 4-214; Baldwin 1356.

⁹¹ Const. 1816, art. 5, sec. 5. Const., art. 7, sec. 15.

the commission of public records.⁹² He appoints one member of the county school fund board,⁹³ five members of the county board of public welfare,⁹⁴ two members of the county board of review,⁹⁵ and four members of the county board of tax adjustment.⁹⁶ He appoints special prosecuting attorneys (in case of failure to attend court)⁹⁷ and special county commissioners (in case of disqualification).⁹⁸ He approves the official bonds of the prosecuting attorney⁹⁹ and the county director of public welfare.¹⁰⁰ He can solemnize marriages,¹⁰¹ administer oaths,¹⁰² and take acknowledgments and proofs of deeds and other documents.¹⁰³

The sheriff, in person or by deputy, attends the circuit court, preserves order therein, and serves all process directed to him therefrom.¹⁰⁴ The prosecuting attorney prosecutes the pless of the state in the circuit court.¹⁰⁵ The probation officer (appointed by the judge for an indefinite term) makes investigations and reports in criminal and juvenile matters as directed by the court, and supervises the conduct of persons on probation.¹⁰⁶ The court reporter (appointed by the judge for an indefinite term) takes down in shorthand, and thereafter transcribes into typewriting, as directed by the court or the parties, the oral evidence, rulings, instructions to the jury, and other proceedings of the court.¹⁰⁷

⁹² Acts 1939; Burns, 1939 suppl., 49-3701; Baldwin, 1939 suppl., 5492-1.

⁹³ Acts 1935, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

⁹⁴ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

⁹⁵ Acts 1895, ch. 36, sec. 2. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁹⁶ Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁹⁷ 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461.

⁹⁸ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

⁹⁹ 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

¹⁰⁰ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

¹⁰¹ Acts 1897; Burns 44-301; Baldwin 5621.

¹⁰² Acts 1861; Burns 49-601; Baldwin 13053.

¹⁰³ 1 Rev. Stat. 1852, Acts 1859; Burns 56-123; Baldwin 14674.

¹⁰⁴ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

¹⁰⁵ 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

¹⁰⁶ Acts 1903, ch. 23, sec. 2. Acts 1925, ch. 218. Acts 1927; Burns 9-2212, 9-2213; Baldwin 2363, 2364.

¹⁰⁷ Acts 1831 (Spec. Sess.), ch. 89. Acts 1899, 1927; Burns 4-3501 to 4-3511; Baldwin 1288 to 1292, 1298, 1298-1, 1776, 1297-1, 1293, 1300.

Two jury commissioners (annually appointed by the judge) prepare lists of names from which the grand juries and petit juries are drawn.¹⁰⁸ The clerk of the circuit court, in person or by deputy, attends the circuit court, performs the customary duties of clerk during trials, draws up each day's proceedings at full length in the proper order book which is signed by the circuit judge, and enters a complete record of causes after completion thereof.¹⁰⁹ All causes are filed in the office of the clerk of the circuit court, and numbered in consecutive order as filed.¹¹⁰ The clerk is charged by statute with the duty of keeping and preserving the official records of the court.¹¹¹ The books and accounts of the clerk are examined, from time to time without notice, by the state examiner. Before the creation of the office of state examiner in 1909, the judge of the circuit court examined the clerk's office on the first day of every term of the circuit court, and reported in writing to the board of commissioners the manner in which the books and papers of the clerk's office were kept.¹¹²

CIVIL CAUSES

FILING OF ACTIONS

110. ENTRY DOCKET, ISSUE DOCKET AND FEE BOOK [Civil], 1860-. 49 vols. (1 vol. not numbered, 3, 1 vol. not numbered, 5-24, 1-26). Title varies: Fee Book, 1860-1912, 23 vols.

Record of filing of actions and fees assessed in civil causes, showing cause number, date of filing, nature of action, names of plaintiff, defendant, attorneys and witnesses, amount of fees, and minutes of proceedings. Also contains: Entry Docket, Issue Docket and Fee Book, Criminal, 1860-76, entry 140. Arr. num. by cause nos. Indexed alph. by names of plaintiffs. Hdw. 300 pp. 18 x 12 x 2½. Clk. off.

¹⁰⁸ Acts 1881 (Spec. Sess.), 1899; Burns 4-3301; Baldwin 1266. Acts 1881 (Spec. Sess.) 1939; Burns, 1939 suppl., 4-3304; Baldwin, 1939 suppl., 1267.

¹⁰⁹ 2 Rev. Stat. 1852, Acts 1885 (Spec. Sess.), 1933; Burns 4-324; Baldwin 1413. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹¹⁰ Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹¹¹ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹¹² 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439. Acts 1909, 1915; Burns 60-201, 60-211; Baldwin 13854, 13862.

ORIGINAL DOCUMENTS

111. [COURT DOCUMENTS], 1820-. 6 cartons, 683 f. b., 77 pigeon holes (numbering varies). Estate and guardianship causes, 1853-73 in Disposed of Causes, Court of Common Pleas, entry 115.

Original documents filed in court actions, including:

- i. Civil causes, including complaints, summons, subpoenas, answers, denials, notices of appeals, motions for new trials, verdicts of juries, and court decrees, showing cause number, date of action, names of plaintiff, defendant, attorneys and witnesses, and court decree.
- ii. Criminal causes, including affidavits, indictments, recognizance bonds, warrants, subpoenas, pleas, notices of appeals, motions for new trials, and verdicts of juries, showing cause number, date of action, nature of crime, names of defendant, attorneys and witnesses, and judgment.
- iii. Estate causes, 1820-52, 1874-, including applications and letters of appointment of administrators and executors, administrator's and executor's bonds, inventories, sale bills, inheritance tax schedules, proofs of publication, and claims, showing cause number, names of decedent, heirs, administrator or executor, attorneys and claimants, date of action, amount of estate, inventory, administrator's or executor's bond, and claims, and final settlement.
- iv. Guardianship causes, 1820-52, 1874-, including petitions and letters of appointment, guardian bonds and inventories, showing cause number, date of action, names of guardian and wards, and final settlement.

Arr. num. by cause nos. Civil and criminal causes, 1820-79, no index; for index, 1880-, see entries 112, 113, 114. Estate and guardianship causes, 1820-59, no index; for index, 1860-, see entry 150. Hdw. and typed. Cartons, 8 x 10 x 24; f. b., 4 x 4 x 12; pigeon holes, 6 x 6 x 12. Clk. off.

112. GENERAL INDEX [Plaintiffs and Defendants], 1913-.
1 vol. (2).

Partial index to civil and criminal causes in [Court Documents], entry 111, showing cause number, names of plaintiff and defendant, file box number, and volume and page reference to Order Book [Civil], entry 123, and Criminal Order Book, entry 145. This is a combination of two records formerly,

and concurrently 1913-35, kept separately: General Index [Plaintiffs], entry 113, and General Index [Defendants], entry 114. Arr. alph. by names of plaintiffs and defendants. Hdw. 300 pp. 18 x 12 x 2½. Clk. off.

113. GENERAL INDEX [Plaintiffs], 1880-1935. 1 vol. (1). 1936-, and 1913-35 also in General Index [Plaintiffs and Defendants], entry 112.

Partial index to civil and criminal causes in [Court Documents], entry 111, showing same information as in entry 112. Arr. alph. by names of plaintiffs. Hdw. 300 pp. 18 x 12 x 2½. Clk. off.

114. GENERAL INDEX [Defendants], 1880-1935. 1 vol. (1). 1936-, and 1913-35 also in General Index [Plaintiffs and Defendants], entry 112.

Partial index to civil and criminal causes in [Court Documents], entry 111, showing same information as in entry 112. Arr. alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 2½. Clk. off.

115. DISPOSED OF CAUSES, COURT OF COMMON PLEAS, 1853-73. 28 f. b.

Original documents filed in court actions in common pleas court, including:

- i. Civil causes, showing same information as in entry 111i.
- ii. Criminal causes, showing same information as in entry 111ii.
- iii. Estate causes, showing same information as in entry 111iii.
- iv. Guardianship causes, showing same information as in entry 111iv.

Arr. num. by cause nos. Civil and criminal causes, no index; for estate and guardianship index, see entry 150. Hdw. 4 x 4 x 12. Clk. off.

SANITY

116. INSANE PAPERS, 1858-. 60 f. b.

Original documents filed in sanity actions, including complaints, petitions, warrants, inquests, commitments and discharges, showing cause number, dates of filing and action, names of complaintant, patient, examining physician and witnesses, and mental condition and family history of patient. Arr. num. by cause nos. No index. Hdw. and typed. 10 f. b., 4 x 4 x 12; 50 f. b., 10 x 4 x 14. Clk. off.

117. INSANE RECORD, 1875-. 5 vols. (1, 1, 3-5).

Record of inquests and proceedings in sanity causes, showing cause number, date of inquest, names of patient, physicians and witnesses, statement of examining physicians, orders for arrest and commitment, and sheriff's return. Arr. chron. by dates of inquests. Indexed alph. by names of patients. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

NATURALIZATION

118. NATURALIZATION RECORD OF INTENTION, 1852-1900. 2 vols. 1901-27 in Naturalization Record Final Papers, entry 119.

Record of filing of declarations of intention to petition for naturalization papers, showing date of filing, name, address, sex, race, nationality, date and place of birth, marital status, and physical description of alien, name, date and place of birth of alien's wife, names, dates, places of birth, and addresses of children, dates of sailing and arrival, port of entry into U. S., name of vessel, and last foreign addresses. Arr. chron. by dates of filing. Indexed alph. by names of aliens. Hdw. 450 pp. 16 x 12 x 2. Clk. off.

119. NATURALIZATION RECORD FINAL PAPERS, 1856-1927. 4 vols. Discontinued.

Record of petitions for naturalization papers, affidavits of witnesses, oaths of allegiance to U. S., renunciation of foreign allegiance, and court orders granting or denying citizenship, showing dates of petition, affidavit, oath and court order, name, address, and date and place of birth of alien, ports of sailing and entry, renunciation of native land, and oath of allegiance to U. S. Also contains: Naturalization Record of Intention, 1901-27, entry 118. Arr. chron. by dates of petitions. Indexed alph. by names of aliens. Hdw. 500 pp. 16 x 12 x 2. Clk. off.

MINUTES

120. [JUDGES DOCKET], 1905-. 21 vols. (labelled by years). Record of actions and proceedings in civil, criminal, estate and guardianship causes, showing cause number, dates of filing and action, names of plaintiff, defendant, deceased, ward and attorneys, nature of action, and minutes of proceedings. Arr. num. by cause nos. No index. Hdw. and typed. 600 pp. 14 x 14 x 4. Clk. off.

121. RECORD OF RECEIVERSHIPS, 1914-. 2 vols.

Record of proceedings in receivership actions, showing date of filing, cause number, names of receivership, receiver,

assignees and claimant, and amounts of assets, liabilities and claims. Arr. chron. by dates of filing. Indexed alph. by names of receiverships. Hdw. 350 pp. 18 x 18 x 3. Clk. off.

122. ISSUE DOCKET, COMMON PLEAS, 1853-70. 4 vols.

Record of actions and proceedings in civil, criminal, estate and guardianship causes in common pleas court, showing cause number, dates of filing and action, names of plaintiff, defendant, decedent, ward, heirs, administrator, executor, guardian, witnesses and attorneys, sheriff's return, and minutes of proceedings. Arr. num. by cause nos. No index. Hdw. 350 pp. 18 x 12 x 3. Clk. off.

ORDERS

123. ORDER BOOK [Civil], 1820-. 48 vols. (1 vol. not numbered, 3-49). 1813-19 in Common Plea, Probate, Circuit Court, and Commissioners' Court Records, entry 3.

Record of actions and proceedings in civil causes, showing cause number, court term, date of action, names of plaintiff, defendant and judge, nature of action, and court decree. Also contains: Register of Insurance Agents' Certificates, 1878-1910, entry 49. Arr. chron. by dates of action. Indexed alph. by names of plaintiffs and defendants. 1820-May 7, 1908, hdw.; May 8, 1908-, typed. 600 pp. 18 x 12 x 2½. Clk. off.

124. DITCH ORDER BOOK, 1885-. 3 vols. (1-3).

Transcripts of actions and proceedings on ditches and drains, showing cause number, dates of petition, remonstrances, viewer's report and action, contractor's estimate of costs, names of petitioners, remonstrators, viewers, contractor and ditch, and court decree. Arr. chron. by dates of actions. Indexed alph. by names of petitioners. 1885-1907, hdw.; 1908-, typed. 600 pp. 18 x 12 x 3. Clk. off.

125. ORDER BOOK [Common Pleas], 1853-73. 3 vols. (1-3).

Record of actions and proceedings in civil and criminal causes in common pleas court, showing cause number, court term, date of action, names of plaintiff, defendant, witnesses and attorneys, nature of action, and court decree. Arr. chron. by dates of actions. Indexed alph. by names of plaintiffs and defendants. Hdw. 400 pp. 18 x 12 x 3. Clk. off.

126. [ORDER BOOK, TERRITORIAL COMMON PLEAS COURT], Oct. term 1813. In Common Plea, Probate, Circuit Court, and Commissioners' Court Records, entry 3.

Record of actions and proceedings in territorial common pleas court causes, showing cause number, date of action, names of plaintiff and defendant, nature of action, and court decree.

JUDGMENTS

127. JUDGMENT DOCKET, 1842-. 9 vols. (1 vol. not numbered, 2-4, 1 vol. not numbered, 6-9).

Record of judgments rendered in civil, criminal and probate causes, showing cause number, date and amount of judgment, names of plaintiff and defendant, and date of satisfaction or assignment. Arr. alph. by names of defendants. No index. Hdw. 400 pp. 18 x 12 x 2½. Clk. off.

128. JUDGMENT DOCKET, COURT OF COMMON PLEAS, 1853-73. 3 vols. (1 vol. not numbered, 2, 3).

Record of judgments rendered in common pleas actions, showing cause number, date of judgment, amounts of judgment and costs, names of plaintiff and defendant, and volume and page reference to Order Book [Common Pleas], entry 125. Arr. num. by cause nos. Indexed alph. by names of plaintiffs. Hdw. 800 pp. 18 x 12 x 2. Clk. off.

EXECUTIONS (see also entries 172, 173)

129. PRAECIPE RECORD, 1887-95, 1917-. 3 vols.

Record of orders issued to clerk to prepare writs for execution of judgments, showing cause number, date of order, names of plaintiff, defendant and attorneys, amount of judgment, and volume and page reference to Execution Docket, entry 130. Arr. chron. by dates of orders. No index. Hdw. 150 pp. 16 x 10 x 1½. Clk. off.

130. EXECUTION DOCKET, 1820-. 16 vols. (A, 2-16).

Record of executions for satisfaction of judgments, showing cause number, names of plaintiff and defendant, amounts of judgment, interest and costs, location and description of property, dates of judgment and execution, and sheriff's return. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. 585 pp. 18 x 12 x 2½. Clk. off.

131. EXECUTION DOCKET, COMMON PLEAS, 1853-80. 4 vols. (1-4).

Record of executions for satisfaction of judgments rendered in common pleas court, showing same information as in entry 130. Arr. num. by cause nos. Indexed alph. by names of plaintiffs and defendants. Hdw. 350 pp. 18 x 12 x 3. Clk. off.

132. EXECUTION FEE BILLS AND WRITS RETURNED, 1854-. 20 f. b.

Writs of execution issued by court to sheriff to attach or levy against property to satisfy judgments, showing dates of writ, return and filing, names of plaintiff and defendant, amounts of judgment, interest, fees and costs, description of

property, sheriff's return, and volume and page reference to Execution Docket, entry 130. Arr. chron. by dates of filing. No index. Hdw. 17 f. b., 4 x 4 x 10; 2 f. b., 10 x 4 x 14. Clk. off.

133. ORDER OF SALE, 1924-. 4 f. b.

Copies of certificates of sales issued by sheriff for property sold to satisfy judgments, showing dates of order, sale and filing, cause number, names of plaintiff, defendant and purchaser, amount of sale, location and description of property, and volume and page reference to Lis Pendens Record, Sheriffs' Certificates, entry 137. Arr. chron. by dates of filing. No index. Hdw. 4 x 4 x 12. Clk. off.

134. LIS PENDENS RECORD, COMPLAINTS, 1880-. 1 vol.

Record of complaints filed against owners of property subject to attachment for satisfaction of judgments, showing cause number, date of filing, names of plaintiff, defendant and attorneys, nature of complaint, and location and description of property. Arr. chron. by dates of filing. Indexed alph. by names of plaintiffs. Hdw. 350 pp. 18 x 12 x 4. Clk. off.

135. LIS PENDENS RECORD, SHERIFFS' NOTICES, 1916-. 1 vol.

Record of sheriffs' notices of attachments or levies on property to satisfy judgments, showing cause number, dates of filing and attachment, names of plaintiff, defendant and attorneys, and location and description of property. Arr. chron. by dates of filing. Indexed alph. by names of defendants. Hdw. 540 pp. 18 x 12 x 4. Clk. off.

136. LIS PENDENS, NOTICES, 1902-. 5 f. b.

Sheriffs' notices of attachments or levies on property to satisfy judgments, showing dates of notice and filing, cause number, names of plaintiff and defendant, location and description of property, and volume and page reference to Lis Pendens Record, Sheriffs' Notices, entry 135. Arr. chron. by dates of filing. No index. 10 x 4 x 14. Clk. off.

137. LIS PENDENS RECORD, SHERIFFS' CERTIFICATES, 1880-.

3 vols. (1, 2, and 1 vol. not numbered).

Record of certificates of sale issued to purchasers of property sold to satisfy judgments, showing cause number, date of certificate, dates and amounts of judgment and sale, names of plaintiff, defendant and purchaser, and location and description of property. Arr. chron. by dates of certificates. Indexed alph. by names of defendants. Hdw. 600 pp. 18 x 12 x 4. Clk. off.

138. LIS PENDENS RECORD, REDEMPTIONS, 1880-. 2 vols. Record of redemption of property sold to satisfy judgments showing cause number, dates of sale and redemption, names of plaintiff, defendant and purchaser, location and description of property, amount of consideration, and volume and page reference to Execution Docket, entry 130. Arr. chron. by dates of redemptions. Indexed alph. by names of plaintiffs and defendants. Hdw. 570 pp. 18 x 12 x 4. Clk. off.

COMPLETE TRANSCRIPTS

139. COMPLETE RECORD CIRCUIT COURT, 1820-52. 3 vols. (1-3).

Complete transcripts of actions and proceedings in causes involving titles to real estate, showing date, number and nature of cause, names of plaintiff, defendant and attorneys, location and description of property, and disposition. Arr. chron. by dates of causes. Indexed alph. by names of plaintiffs. Hdw. 600 pp. 18 x 12 x 2½. Clk. off.

CRIMINAL CAUSES

(See also entries 111-115, 120, 122, 125, 127, 128)

FILING OF ACTIONS

140. ENTRY DOCKET, ISSUE DOCKET FEE BOOK, CRIMINAL, 1877-. 10 vols. (1, 1 vol. not numbered, 3, 1 vol. not numbered, 5-10). Title varies: Fee Book, 1877-1930, 7 vols. 1860-76 in Entry Docket, Issue Docket and Fee Book [Civil], entry 110.

Record of filing of actions and fees assessed in criminal causes, showing cause number, date of filing, nature of action, names of plaintiff and defendant, amount of fees, and minutes of proceedings. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 2½. Clk. off.

AFFIDAVITS AND INDICTMENTS

141. RECORD OF AFFIDAVITS, 1911-. 3 vols. (1-3).

Transcripts of affidavits filed in criminal causes, showing dates of affidavit and alleged offense, number of affidavit, names of affiant and defendant, and complete statement as to nature of charge. Arr. chron. by dates of affidavits. Indexed alph. by names of defendants. Hdw. and typed. 600 pp. 18 x 12 x 2. Clk. off.

142. INDICTMENT RECORD, 1853-. 5 vols. (1, 1 vol. not numbered, 3-5).

Record of indictments returned by grand jury, showing dates

of indictment and offense, cause number, nature of crime, names of defendant and state witnesses, and evidence presented. Arr. chron. by dates of indictments. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 2. Clk. off.

148. INDICTMENTS, 1853-. 14 f. b.

Original indictments returned by grand jury, showing same information as in entry 142. Arr. chron. by dates of indictments. No index. Hdw. 10 x 4 x 14. Clk. off.

BONDS

144. RECOGNIZANCE BOND RECORD, 1938-. 1 vol. (1). 1820-60, 1879-1937 in Criminal Order Book, entry 145.

Record of bonds posted to assure appearance of defendants in court, showing cause number, dates of bond, approval and filing, names of defendant and sureties, amount and conditions of bond, and nature of charge. Arr. chron. by dates of filing. Indexed alph. by names of defendants. Hdw. 400 pp. 18 x 12 x 2. Clk. off.

ORDERS

145. CRIMINAL ORDER BOOK, 1820-60, 1879-. 18 vols. (1-4, 11, 1-5, 7-9). Title varies: Complete Record, 1820-38, 1 vol.; Final Record, 1839-47, 1 vol.; Order Book, 1848-60, 2 vols.; Order Book, State Cases, 1879-84, 1 vol. 1813-19 in Common Plea, Probate, Circuit Court, and Commissioners' Court Records, entry 3.

Record of actions and proceedings in criminal causes, showing cause number, date of action, names of defendant, witnesses and attorneys, nature of action, and court decree. Also contains: Recognizance Bond Record, 1820-60, 1879-1937, entry 144. Arr. chron. by dates of actions. Indexed alph. by names of defendants. 1820-60, 1879-Mar. 21, 1908, hdw.; Mar. 22, 1908-, typed. 600 pp. 18 x 12 x 2½. Clk. off.

PROBATE CAUSES

(See also entries 111, 115, 120, 122, 127, 128)

FILING OF ACTIONS

146. ESTATE ENTRY, CLAIM AND ALLOWANCE DOCKET, and fee Book, 1912-. 5 vols. (1-5).

Record of filing of actions, allowance of claims, and fees assessed in estate causes, showing cause number, dates of decedent's death and letter of administration, names of de-

cedent, administrator or executor, sureties and claimants, amounts of administrator's or executor's bond, inventory, claim and allowance, nature and number of claim, and amount of fees. This is a combination of two records formerly kept separately: General Entry, Claim, and Allowance Docket, entry 147; estate fees recorded in Fee Book, Probate, entry 169. Arr. num. by cause nos. Indexed alph. by names of decedents. Hdw. 320 pp. 18 x 12 x 2. Clk. off.

147. GENERAL ENTRY, CLAIM, AND ALLOWANCE DOCKET, 1859-1911. 6 vols. (1 vol. not numbered, 3, 2 vols. not numbered, 3, 4). Title varies: Appearance Docket, 1859-80, 2 vols. 1912- in Estate Entry, Claim and Allowance Docket, and Fee Book, entry 146.

Record of filing of actions and allowance of claims in estate causes, showing cause number, dates of decedent's death and letter of administration, names of decedent, administrator or executor, sureties and claimants, amounts of administrator's or executor's bond, inventory, claim, and allowance, and nature and number of claim. Arr. num. by cause nos. Indexed alph. by names of decedents. Hdw. 300 pp. 18 x 12 x 2. Clk. off.

148. GUARDIAN DOCKET AND FEE BOOK, 1912-. 2 vols. (1, 2).

Record of filing of actions and fees assessed in guardianship causes, showing cause number, dates of filing and appointment of guardian, names of ward, guardian and sureties, amount of guardian's bond, and nature and amount of fees. This is a combination of two records formerly kept separately: Guardian docket, entry 149; guardianship fees recorded in Fee Book, Probate, entry 169. Arr. num. by cause nos. Indexed alph. by names of wards. Hdw. 300 pp. 18 x 12 x 2½. Clk. off.

149. GUARDIAN DOCKET, 1833-1911. 4 vols. 1912- in Guardian Docket and Fee Book, entry 148.

Record of filing of actions in guardianship causes, showing cause number, dates of filing and appointment of guardian, names of ward, guardian and sureties, and amount of guardian's bond. Arr. num. by cause nos. Indexed alph. by names of wards. Hdw. 300 pp. 18 x 12 x 2½. Clk. off.

ORIGINAL DOCUMENTS

150. GENERAL INDEX TO ESTATES AND GUARDIANSHIPS, 1860-. 1 vol.

Partial index to estate and guardianship causes in [Court Documents], entry 111, and Disposed of Causes, Court of Common Pleas, entry 115, showing cause number, date of filing, names

of decedent and ward, file box number, and volume and page reference to Order Book, Probate, entry 163. Arr. alph. by names of decedents and wards. Hdw. 300 pp. 18 x 12 x 2. Clk. off.

WILLS (see also entry 81)

151. WILL RECORD, 1831-. 6 vols. (1-6).

Transcripts of wills filed for probate, showing dates of will and filing, cause number, names of testator, executor, heirs and witnesses, conditions of will, description and amount of bequests, and affidavit of testator's death. Arr. chron. by dates of filing. Indexed alph. by names of testators. 1831-1907, hdw.; 1908-, typed. 585 pp. 18 x 12 x 2½. Clk. off.

152. WILLS, 1831-. 1 bdl., 5 f. b.

Original wills filed for probate, showing dates of will and filing, cause number, names of testator, executor, heirs and witnesses, conditions of will, amounts of bequests, and volume and page references to Will Record, entry 151. Arr. num. by cause nos. No index. Hdw. and typed. Bdl., 14 x 12 x 24; f. b., 10 x 4 x 14. Clk. off.

BONDS

153. RECORD OF ADMINISTRATOR'S BOND, OATH AND LETTERS, 1847-53, 1875-. 6 vols. (1 vol. not numbered, 1-5). 1913, 1927, 1933 also in Guardian, Executor and Administrator Bond, entry 156i.

Record of bonds posted by and oaths administered and letters granted to administrators, showing dates of bond, oath and letter, names of estate, administrator and sureties, and amount and conditions of bond. Arr. chron. by dates of bonds. Indexed alph. by names of administrators; for separate index, 1889-, see entry 31. Hdw. 450 pp. 16 x 11 x 2. Clk. off.

154. RECORD OF EXECUTORS' BONDS, OATHS AND LETTERS, 1847-1911, 1928-. 4 vols. (2 vols. not numbered, 2, 1). 1912-27 in Guardian, Executor and Administrator Bond, entry 156ii.

Record of bonds posted by, oaths administered and letters issued to executors to execute wills, showing dates of bond, oath and letter, names of testator, executor and sureties, and amount and conditions of bond. Arr. chron. by dates of bonds. Indexed alph. by names of executors; for separate index, 1889-1911, 1928-, see entry 31. Hdw. 600 pp. 16 x 11 x 2½. Clk. off.

155. GUARDIAN'S BOND RECORD, 1847-53, 1875-1937. 4 vols. (1 vol. not numbered, 2-4). 1938-, and 1913-15, 1921, 1923-37 also in Guardian, Executor and Administrator Bond, entry 156iii.

Record of bonds posted by and oaths administered and letters issued to guardians, showing dates of bond, oath and letter, names of ward, guardian and sureties, and amount and conditions of bond. Arr. chron. by dates of bonds. Indexed alph. by names of guardians; for separate index, 1889-1937, see entry 31. Hdw. 450 pp. 16 x 11 x 2. Clk. off.

156. GUARDIAN, EXECUTOR AND ADMINISTRATOR BOND, 1912-. 1 vol. (2).

Record of bonds posted by and oaths administered and letters issued to administrators, executors and guardians. Contains:

- i. Administrators' bonds, 1913, 1927, 1933, showing same information as in entry 153.
- ii. Executors' bonds, 1912-27, showing same information as in entry 154.
- iii. Guardians' bonds, 1913-15, 1921, 1928-, showing same information as in entry 155.

Arr. chron. by dates of bonds. Indexed alph. by names of administrators, executors and guardians; for separate index see entry 31. Hdw. 600 pp. 18 x 12 x 2½. Clk. off.

157. ADMINISTRATORS', EXECUTORS' AND GUARDIANS BONDS, 1848-. 10 f. b.

Original bonds posted by administrators, executors and guardians, showing date, amount and conditions of bond, and names of administrator, executor or guardian and sureties. Arr. chron. by dates of bonds. No index. Hdw. and typed. 8 f. b., 4 x 4 x 12; 2 f. b., 10 x 4 x 14. Clk. off.

158. RECORD OF ADMINISTRATORS', GUARDIANS' AND EXECUTORS' BONDS TO SELL REAL ESTATE, 1862-. 2 vols.

Record of additional bonds posted by administrators, guardians and executors to sell real estate in settlement of estates and guardianships, showing date, amount and conditions of bond, names of administrator, executor or guardian and sureties, affidavits of sureties' assets, and date of approval. Arr. chron. by dates of bonds. Indexed alph. by names of administrators, guardians and executors; for separate index, 1889-, see entry 31. Hdw. 450 pp. 16 x 11 x 2. Clk. off.

INVENTORY AND SALE BILLS

159. ADMINISTRATOR'S INVENTORY RECORD, 1905-. 8 vols. (6-13). 1843-1904 in Record of Inventory and Sale Bills, entry 161.

Record of property inventories of estates, showing cause

number, names of estate and administrator or executor, date of inventory, itemized list of property, and appraised valuation. Arr. chron. by dates of inventories. Indexed alph. by names of estates. Hdw. 350 pp. 18 x 12 x 2. Clk. off.

160. SALE BILL RECORD, 1905-. 2 vols. (5, 6). 1843-1904 in Record of Inventory and Sale Bills, entry 161. Record of sale of property of estates, showing cause number, date of sale, itemized list of property sold, amount realized, and name of purchaser. Arr. chron. by dates of sales. Indexed alph. by names of estates. Hdw. and typed. 500 pp. 18 x 12 x 2½. Clk. off.

161. RECORD OF INVENTORY AND SALE BILLS, 1843-1904. 6 vols.

Record of inventories and sale bills of property of estates, showing cause number, dates of inventory and sale, names of estate and administrator or executor, itemized list of property, appraised valuation, and amount of sale. This is a combination of two records later kept separately: Administrator's Inventory Record, entry 159; Sale Bill Record, entry 160. Arr. chron. by dates of inventories. Indexed alph. by names of estates. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

162. INVENTORY OF REAL-PER[sonal] ESTATE, 1911-. 1 vol. 1831-1910 in Order Book, Probate, entry 163.

Record of guardians' inventories of real and personal property of estates, showing cause number, date of inventory, names of ward and guardian, itemized list and value of personal property, location, description and value of real property, and yearly rental value of real property. Arr. chron. by dates of inventories. Indexed alph. by names of wards. Hdw. 600 pp. 18 x 12 x 3. Clk. off.

ORDERS

163. ORDER BOOK, PROBATE, Nov. 1831-. 34 vols. (1-3, 1-6, 5-29). 1817-Oct. 1831 in Common Plea, Probate, Circuit Court, and Commissioners' Court Records, entry 3.

Record of actions and proceedings in estate and guardianship causes, showing cause number, date of action, names of estate or guardianship, administrator, executor or guardian, nature of action, and final disposition. Also contains: Inventory of Real-Per[sonal] Estate, 1831-1910, entry 162. Arr. chron. by dates of actions. Indexed alph. by names of estates and guardianships. 1831-1908, hdw.; 1909-, typed. 600 pp. 18 x 12 x 2½. Clk. off.

COMPLETE TRANSCRIPTS

164. COMPLETE RECORD PROBATE COURT, 1820-52. 4 vols. (1-4).

Complete transcripts of all actions and proceedings in settlement of estate causes involving titles to real estate, showing cause number, names of estate, heirs and administrator or executor, dates of death, court action and settlement, amounts of bequests, inventory of estate, bills of sale of personal property, and location and description of real property. Arr. chron. by dates of actions. Indexed alph. by names of estates. Hdw. 600 pp. 18 x 12 x 2½. Clk. off.

JUVENILE CAUSES

165. JUVENILE COURT PROCEEDINGS, 1908-. 15 f. b.

Original documents filed in juvenile actions, including complaints, petitions, affidavits, summons, subpoenas, warrants, reports and court orders, showing cause number, date of action, names of complainant, defendant and child, nature of action, and disposition. Arr. num. by cause nos. No index. Hdw. and typed. 10 x 4 x 14. Clk. off.

166. JUVENILE ORDER BOOK, 1907-. 1 vol.

Record of actions and proceedings in juvenile causes, showing cause number, dates of filing and action, names of child, parents or guardian and defendant, nature of action, and disposition. Arr. chron. by dates of filing. Indexed alph. by names of children. Hdw. 600 pp. 18 x 12 x 3½. Clk. off.

MISCELLANEOUS COURT RECORDS

167. COSTS IN CHANGE OF VENUE, 1919-. 2 vols. (1, 2).

Record of costs in causes venued from other counties, showing cause number, dates of filing and venue, names of plaintiff, defendant and county, and amount of costs. Arr. chron. by dates of venue. No index. Hdw. 300 pp. 16 x 14 x 1½. Clk. off.

For other change of venue records, see entries 248, 249.

168. SPECIAL JUDGES, 1929-. 1 vol.

Record of appointments of special judges, showing date of appointment, names of court and judge, number of days presided, and amount paid for services. Arr. chron. by dates of appointments. No index. Hdw. 50 pp. 10 x 16 x 1. Clk. off.

FEE AND CASH RECORDS

169. FEE BOOK, PROBATE, 1841-1911. 7 vols. (2, 1-6). Estate fees 1912- in Estate Entry, Claim and Allowance Docket, and Fee Book, entry 146; guardianship fees 1912- in Guardian Docket and Fee Book, entry 148.

Record of fees assessed in estate and guardianship causes, showing cause number, names of estate and guardianship, and nature and amount of fees. Arr. num. by cause nos. Indexed alph. by names of estates and guardianships. Hdw. 600 pp. 18 x 12 x 2. Clk. off.

170. FEE BOOK, COURT OF COMMON PLEAS, 1853-73. 4 vols. (1 vol. not numbered, 2, 3, 6).

Record of fees assessed in civil and criminal causes in common pleas court, showing cause number, names of plaintiff and defendant, and nature and amount of fees. Arr. num. by cause nos. Indexed alph. by names of plaintiffs and defendants. Hdw. 500 pp. 18 x 12 x 2½. Clk. off.

VI. SHERIFF

The sheriff of Warrick County is a constitutional officer, elected for a two-year term by the voters of the county. The office of sheriff was created by the Constitution of 1816 and re-created by the Constitution of 1851. No person is eligible to hold the office more than four years in any six-year period.¹ He is commissioned by the governor² and holds office until his successor is elected and qualified.³ The sheriff must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election;⁴ and, while holding said office, he must reside in the county, must not hold any other lucrative office,⁵ and must not

¹ Const. 1816, art. 4, sec. 25. Const., art. 6, sec. 2. 2 Rev. Stat. 1852; Burns 49-2801; Baldwin 5493. Gemmer v. State ex rel. Stephens (1904), 163 Ind. 150, 71 N. E. 478.

² Const. 1816, art. 11, sec. 9. Const., art. 15, sec. 6. Acts 1816-17, ch. 13, secs. 1, 8. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3.

⁴ Const. 1816, art. 11, sec. 14. Const., art. 6, sec. 4.

⁵ Const. 1816, art. 11, secs. 6, 13. Const., art. 2, sec. 9; art. 6, sec. 6.

practice law.⁶ He must post bond in an amount between \$5,000 and \$15,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁷ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁸

The sheriff receives a regular salary of \$1,680 per year.⁹ He is permitted to retain, as compensation for himself, the fees charged by him for execution of process issued by courts outside of the county. If the sheriff furnishes and maintains the vehicles used in the discharge of his official duties, he is entitled to an allowance of \$400 per year to cover the cost of such maintenance, or is entitled, in lieu thereof, to a mileage allowance at the rate of six cents per mile (when he furnishes the conveyance) for each mile necessarily travelled in serving process, transporting persons to penal and benevolent institutions, and going for and returning fugitives. If the county owns and maintains the vehicles used by him, he is not entitled to an allowance for mileage or for maintenance of the vehicles.¹⁰ For each meal served to prisoners in his charge, the sheriff receives an allowance not exceeding 20 cents, as determined annually by the state examiner.¹¹

For sufficient legal grounds, the sheriff may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹² If the sheriff is convicted of a felony, or of permitting the lynching of any prisoner in his custody, the judgment of conviction must declare his office vacant.¹³

⁶ Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

⁷ Acts 1816-17, ch. 13, secs. 2-4, 8. 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

⁸ Const., art. 15, sec. 4. Acts 1905; Burns 10-3768; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. *State ex rel. Chapman v. Lines* (1853), 4 Ind. 351.

⁹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹⁰ Acts 1933; Burns 49-1005; Baldwin 7535. Acts 1933, 1937; Burns, 1939 suppl., 49-1008; Baldwin, 1937 suppl., 7538. *McFarlan v. State* (1897), 149 Ind. 149; *Board of County Comrs. v. Baker*, (1939), —Ind.—, 19 N. E. (2d) 250.

¹¹ Acts 1935; Burns, 1939 suppl., 49-1323; Baldwin, 1935 suppl., 13455-1.

¹² Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹³ Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531. Acts 1897, 1899; Burns 49-834; Baldwin 13050.

Any vacancy in the office of sheriff is filled through appointment by the board of commissioners. The county coroner performs the duties of sheriff until a new appointment is made. The person appointed to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.¹⁴

Under authority from the board of commissioners, the sheriff may appoint one deputy and one or more assistants. The deputy must have resided in the county for at least one year previous to his appointment. The county council fixes the salaries of the deputy and assistants, which must be not less than \$75 nor more than \$125 per month.¹⁵ The sheriff may require the deputy to give bond.¹⁶ The deputy must take the oath required of the sheriff, may perform all the official duties of the sheriff, and is subject to the same regulations and penalties.¹⁷ The sheriff may remove such deputy and assistants at any time, and is responsible for their official acts.¹⁸

The office of sheriff was established in Warrick County when the county was created in 1813.¹⁹ The sheriff was appointed by the governor for an indefinite term and could be removed by him at any time.²⁰ The sheriff was required to post bonds covering his official duties.²¹

Before the adoption of the Constitution of 1816, the sheriff was a conservator of the peace; took recognizances; attended court sessions and preserved order therein; executed

¹⁴ Const., art. 6, sec. 9. Acts 1816-17, ch. 13, sec. 7. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437. *Akers v. State ex rel. Kent* (1856), 8 Ind. 484. *State ex rel. Culbert v. Linkhauer* (1895), 142 Ind. 94, 41 N. E. 325. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁵ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1921; Burns 49-504; Baldwin 13111. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

¹⁶ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁷ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

¹⁸ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Boaz v. Tate* (1873), 43 Ind. 60.

¹⁹ Acts 1813, ch. 23, secs. 1, 2.

²⁰ Acts 1807, ch. 4, sec. 1.

²¹ *Ibid.*, ch. 92, sec. 32. Acts 1813, ch. 8, sec. 11. Acts 1815, ch. 5, sec. 2.

the process of the courts; had custody of the county jail;²² collected fines imposed by officers of the militia;²³ collected taxes;²⁴ served as county treasurer;²⁵ notified road viewers of their appointment;²⁶ gave public notice of holding elections; notified election inspectors of their appointment; and participated in the certification of persons elected.²⁷ In case of disqualification of the sheriff, his duties as a court officer could be performed by the coroner.²⁸ The law specifically provided that the coroner could not serve as county treasurer.²⁹

The Constitution of 1816 provided that a sheriff should be elected in each county, by the voters thereof, for a two-year term.³⁰ The statutory offices of the county treasurer and county tax collector were established in the county in 1817 and 1824, respectively, relieving the sheriff of his duties as county treasurer and tax collector.³¹

The sheriff is a conservator of the peace within the county. He is required to arrest without process all persons, who within his view commit any crime or misdemeanor, and detain them in custody during investigation of the cause of the arrest; suppress all breaches of the peace, having authority to call to his aid the power of the county; pursue and commit to jail all felons; maintain the jail and take care of the prisoners confined therein; execute all process, orders, and

²² Acts 1807, chs. 4, 69, 70. Acts 1810, ch. 16, sec. 2; ch. 25, sec. 1. Acts 1813, ch. 20. Acts 1813-14, ch. 6. Acts 1814, ch. 8, secs. 2, 8; ch. 20, secs. 7, 8; ch. 21, secs. 17, 18.

²³ Acts 1813-14, ch. 1, secs. 54, 57.

²⁴ Acts 1811, ch. 4, sec. 5; ch. 35, secs. 7, 11-15; ch. 37, secs. 6, 8, 10, 11. Acts 1813, ch. 8, secs. 14-26; ch. 25, secs. 1-3, 5. Acts 1813-14, ch. 14; ch. 32, secs. 3, 4, 6, 7. Acts 1814, ch. 15, sec. 2. Acts 1815, ch. 5, secs. 1, 5, 7.

²⁵ Acts 1807, ch. 65, secs. 1-3. Acts 1811, ch. 37, secs. 4, 5, 7. Acts 1813, ch. 8, sec. 26. Acts 1815, ch. 10, secs. 1, 2.

²⁶ Acts 1815, ch. 5, sec. 17.

²⁷ Acts 1811, ch. 16, secs. 2, 11, 13. Acts 1813-14, ch. 33, secs. 7, 13.

²⁸ Acts 1807, ch. 2, sec. 14; ch. 8, sec. 2; ch. 21, sec. 2; ch. 27, sec. 2; ch. 51, secs. 4, 5; ch. 70, sec. 1. Acts 1813, ch. 8, sec. 24. Acts 1813-14, ch. 19, sec. 1. Acts 1814, ch. 21, sec. 17.

²⁹ Acts 1811, ch. 37, sec. 4.

³⁰ Const. 1816, art. 4, sec. 25.

³¹ Acts 1816-17, ch. 8, secs. 23, 24; ch. 17, secs. 1-4, 6, 7, 9, 10; ch. 19, secs. 1, 7, 9, 11-16; ch. 25, sec. 1. Acts 1817-18 (general), ch. 42, sec. 14. Acts 1817-18 (special), ch. 17, sec. 1; ch. 36, secs. 2, 3. Rev. Laws 1824, ch. 23, secs. 1, 4, 6; ch. 86, secs. 11, 18, 36. Acts 1825, ch. 9, sec. 1. Rev. Laws 1831, ch. 21, sec. 8. Acts 1835-36 (general), ch. 12, sec. 1. Acts 1836-37 (general), ch. 33, sec. 1. Rev. Stat. 1838, ch. 95, sec. 1. Acts 1840-41 (general), ch. 4, secs. 1, 13-22. Ham v. State ex rel. Williams (1844), 7 Blackford 344.

warrants directed to him by legal authority; and preserve and maintain order in all courts in the county, except those of justices of the peace.³² It is his duty to make arrests on warrants issued on indictments and affidavits and commit the arrested persons to jail or hold them to bail as provided by law; to serve summonses in cases of misdemeanors;³³ and to deputize all bystanders to aid him in protecting persons from being lynched.³⁴ The sheriff calls the petit jury for criminal cases as prescribed by law or directed by the court.³⁵

The sheriff sells property on execution and on mortgage foreclosure proceedings;³⁶ executes deeds to real property sold by him;³⁷ transports persons committed to state charitable, correctional, and penal institutions;³⁸ and attends sessions and executes orders of the county council³⁹ and board of commissioners.⁴⁰ He is also a deputy of the sheriff of the Supreme Court of Indiana; and, as such, serves process and orders of the Supreme Court of Indiana and the Appellate Court of Indiana, when directed to do so.⁴¹ He gives public notice of the holding of elections. In the early days of the county he performed various duties concerning elections.⁴²

³² Acts 1816-17, ch. 2, secs. 7, 10; ch. 4, secs. 6, 7, 10, 31; ch. 5, sec. 51; ch. 6, sec. 1; ch. 24, sec. 3; ch. 32, sec. 9. Acts 1824 ch. 100, sec. 10. Acts 1881 (Spec. Sess.); Burns 2-802, 3-522, 3-1910 to 3-1913, 3-2705; Baldwin 83, 791, 1026 to 1029, 1202. Acts 1905; Burns 10-3707; Baldwin 2654. Acts 1903; Burns 35-411; Baldwin 8541. 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. Acts 1919; Burns 64-1303; Baldwin 15707.

³³ Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

³⁴ Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531. State ex rel. Maxwell v. Dudley (1903), 161 Ind. 431, 68 N. E. 899.

³⁵ Rev. Laws 1824, ch. 56, sec. 3. Acts 1905; Burns 9-1501; Baldwin 2246.

³⁶ 2 Rev. Stat. 1852, ch. 8, sec. 472. Acts 1881 (Spec. Sess.); Burns 2-3601, 3-1819; Baldwin 574, 1014.

³⁷ Acts 1881 (Spec. Sess.); Burns 2-4101; Baldwin 619. Acts 1931; Burns 3-1806; Baldwin 1008.

³⁸ Acts 1905; Burns 9-2232, 22-2013; Baldwin 2339, 4206. Acts 1927; Burns 22-1213; Baldwin 4305. Acts 1911; Burns 22-1716; Baldwin 4230. Acts 1919; Burns 22-1809; Baldwin 4264.

³⁹ Acts 1899; Burns 26-510; Baldwin 5374.

⁴⁰ Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1843, ch. 7, sec. 5. 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

⁴¹ Acts 1816-17, ch. 1, secs. 1, 9. Rev. Laws 1824, ch. 100, sec. 13. Acts 1891; Burns 4-230; Baldwin 1378. 2 Rev. Stat. 1852; Burns 49-2203; Baldwin 1339. 2 Rev. Stat. 1852, Acts 1889; Burns 49-2204; Baldwin 1340.

⁴² Acts 1816-17, ch. 9, secs. 1, 15, 16, 19, 22; ch. 12, sec. 5; ch. 14, secs. 2, 6, 8. Acts 1817-18 (special), ch. 3, secs. 1-3. Rev. Laws 1824, ch. 37, secs. 1, 2. 1 Rev. Stat. 1852, ch. 31, sec. 2. Acts 1889, ch. 87, sec. 15. Acts 1891, ch. 94, sec. 2. Acts 1881 (Spec. Sess.); Burns 29-702, 29-1703; Baldwin 7082, 7248. Demaree v. Johnson (1897), 150 Ind. 419, 49 N. E. 1062.

The sheriff charges fees provided by law for the services he performs.⁴³ He receives weekly reports from poultry dealers and makes investigations concerning them which he considers necessary.⁴⁴ He grants licenses for the sale of firearms on forms prescribed by the superintendent of the state police.⁴⁵

Whenever the sheriff is unable to attend to his duties, the coroner performs them;⁴⁶ and if both the sheriff and coroner are unable to act, it is then the duty of the circuit court to appoint an elisor who discharges the sheriff's duties until the disability of the sheriff or coroner is removed.⁴⁷

The sheriff keeps a cashbook, a fee book,⁴⁸ a jail record,⁴⁹ a poultry record,⁵⁰ and a record of the service of process.⁵¹ He makes an annual written report, under oath, to the circuit court showing all executions and other process in his hands, what levies he has made, the amount of money collected on each execution, and when service thereof was made, which report is to be entered on the order book of the circuit court.⁵²

The books and accounts of the sheriff are inspected from time to time, without notice, by the state examiner.⁵³

SERVICE ON WRITS

171. SHERIFF'S DOCKET, 1893-. 5 vols.

Record of service on writs in civil, criminal and probate causes, showing date of court term, cause number, nature of action, names of plaintiff, defendant and attorneys, number of miles travelled, amount of fees, and total costs. Arr.

⁴³ Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1932 (Spec. Sess.); Burns 49-1312, 49-1315, 49-1316; Baldwin 7571, 7574. Acts 1919, 1921; Burns 49-1318; Baldwin 13588-1.

⁴⁴ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803(b); Baldwin 10487.

⁴⁵ Acts 1935, 1937; Burns, 1939 suppl., 10-4742; Baldwin, 1937 suppl., 2569-9.

⁴⁶ Acts 1816-17, ch. 13, sec. 9. 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901, 49-2902; Baldwin 5436, 5437.

⁴⁷ 2 Rev. Stat. 1852; Burns 4-322; Baldwin 1411.

⁴⁸ Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

⁴⁹ Rev. Laws 1838, ch. 83, sec. 5. Acts 1909; Burns 13-1007; Baldwin 13459.

⁵⁰ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803; Baldwin 10487.

⁵¹ Record required by the state board of accounts. Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁵² Acts 1905; Burns 9-1034; Baldwin 2179. 2 Rev. Stat. 1852; Burns 49-2807; Baldwin 5502.

⁵³ Acts 1909; Burns 60-211; Baldwin 13862.

chron. by court terms. No index. Hdw. 500 pp. 18 x 12 x 2½. Sher. off.

EXECUTIONS ON JUDGMENTS
(See also entries 129-138)

172. SHERIFF'S EXECUTION DOCKET, 1890-. 2 vols. (1 vol. not numbered, 1).

Record of services on writs for execution of judgments, showing cause number, dates of writ, service and return, names of plaintiff, defendant and attorneys, amounts of judgment, fees and costs, and sheriff's return. Arr. chron. by dates of writs. Indexed alph. by names of defendants. Hdw. 200 pp. 16 x 11 x 1½. Sher. off.

173. SHERIFF'S DOCKET OF SALE REAL ESTATE, 1901-. 1 vol. Record of sheriffs' sales of real estate to satisfy judgments, showing cause number, date and amount of sale, names of plaintiff, defendant and purchaser, and location and description of property. Arr. chron. by dates of sales. Indexed alph. by names of purchasers. Hdw. 200 pp. 16 x 11 x 1½. Sher. off.

174. GRAND JURY SUBPOENAS, 1903-. 2 f. b.

Original subpoenas issued to summon witnesses to appear before grand juries, showing dates of subpoena, appearance and return, name of person summoned, and sheriff's return. Arr. chron. by dates of subpoenas. No index. Hdw. 4 x 4 x 12. Sher. off.

175. WARRANT FOR COLLECTION OF TAX, 1935-. 1 f. d.

Copies of warrants for collection of delinquent gross income tax issued to sheriff by state department of treasury, showing dates of warrant, service, return and filing, name and business and residence addresses of defendant, nature of defendant's business, amounts of tax, interest, penalty, damages and clerk's and sheriff's fees, and warrant and file numbers. Arr. chron. by dates of warrants. No index. Typed. 9 x 11 x 24. Sher. off.

JURORS

176. JURY REGISTER, 1903-. 2 vols. (1, 2).

Register of names of persons drawn for jury service, showing cause number, date of service, names of juror and prosecutor,

and amounts of fees and mileage. Arr. chron. by dates of services. No index. Hdw. 240 pp. 16 x 11 x 2. Sher. off.

177. JURORS' TIME BOOK, 1902-. 3 vols. (1-3).

Record of jurors' time and mileage, showing date of service, name of juror, number of days served, and mileage travelled. Arr. alph. by names of jurors. No index. Hdw. 195 pp. 14 x 10½ x 1½. Sher. off.

JAIL RECORDS

178. PRISONERS ADMITTED TO JAIL, 1909-. 2 vols.

Record of prisoners committed to county jail, showing cause number, dates of commitment and discharge, name, age, sex and birthplace of prisoner, name of official ordering commitment, nature of charge, length of sentence, amounts of bail and fees, length of confinement, and cost of board. Arr. chron. by dates of commitments. No index. Hdw. 160 pp. 17 x 15 x 1½. 1 vol., 1909-30, C. C., sher. off.; 1 vol., 1931-, jail, sher. off.

179. JAIL REPORT TO BOARD OF COUNTY COMMISSIONERS, 1916-. 1 vol.

Record of sheriffs' reports to board of commissioners relative to care and cost of maintenance of prisoners, showing date of report, name, date of commitment and length of confinement of prisoner, name of official ordering commitment, and cost of meals and laundry. Arr. chron. by dates of reports. No index. Hdw. 250 pp. 10 x 9 x 1½. Sher. off.

MISCELLANEOUS

180. RECORD OF APPOINTMENTS OF ELECTION SHERIFFS, 1902-. 2 vols. (1, 2).

Record of sheriff's appointment of election sheriffs, showing dates of appointment and election, name of appointee, kind of election, and ward and precinct numbers. Arr. chron. by dates of appointments. No index. Hdw. 350 pp. 14 x 9 x 1. Sher. off.

FEE AND CASH RECORDS

181. SHERIFF'S CASH BOOK, 1893-. 3 vols. (1, 1, and 1 vol. not numbered).

Sheriff's record of receipts and disbursements, showing dates and amounts of receipt and disbursement, names of payer and

payee, cause number, and date and nature of service. Arr. chron. by dates of services. No index. Hdw. 240 pp. 18 x 12 x 1½. Sher. off.

182. SHERIFF'S FOREIGN FEE BOOK, 1889-. 2 vols. (1, 2). Record of sheriffs' fees for services on writs from foreign counties, showing dates of writ, service and return, names of defendant and foreign county, nature of writ, and amounts of fees and costs. Arr. chron. by dates of writs. Indexed alph. by names of foreign counties. Hdw. 225 pp. 16 x 17 x 1½. Sher. off.

183. REGISTER OF SHERIFFS' COSTS, 1895-. 5 vols. (2-6). Record of costs for service on process in probate actions, showing dates of process, service and return, cause number, names of plaintiff and defendant, nature of service, and amount of costs. Arr. chron. by dates of service. No index. Hdw. 325 pp. 17 x 15 x 2½. Sher. off.

VII. CORONER

The coroner of Warrick County is a constitutional officer, elected for a two-year term by the voters of the county, without restrictions on re-election. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851.¹ The coroner is commissioned by the governor,² and holds office until his successor is elected and qualified.³ He must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁴ and, while holding the office of coroner, he must reside within the county and must not hold any other lucrative office.⁵ He is required to post bond in an amount between \$1,000 and \$5,000—approved by the board of commissioners and filed with the clerk of the circuit court.⁶ The coroner must take an oath that he will support the state

¹ Const. 1816, art. 4, sec. 25. Const., art. 6, sec. 2.

² Const. 1816, art. 11, sec. 9. Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3.

⁴ *Ibid.*, sec. 4.

⁵ *Ibid.*, art. 2, sec. 9; art. 6, sec. 6.

⁶ 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

and federal constitutions and will faithfully discharge the duties of his office.⁷

The coroner receives, as compensation for himself, for empanelling and swearing witnesses, and making and returning inquisition for the viewing of each body, \$5 for the first day and \$2.50 for each additional day, plus a mileage allowance of five cents for each mile necessarily travelled in performing his duties. When he performs the duties required of the sheriff, the coroner receives the same compensation allowed to the sheriff. The coroner can employ a clerk, at a rate of pay not exceeding \$2 per day, to take down evidence of any inquisition.⁸

For sufficient legal grounds, the coroner may be removed by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.⁹ If the coroner is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁰

Any vacancy in the office of coroner is filled by appointment by the board of commissioners. The person appointed to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.¹¹

From the organization of the county in 1813 until the adoption of the Constitution of 1816, the coroner was appointed for an indefinite term by the governor of the territory.¹²

There has been no major change in the office of coroner since the early days of the county, other than the abolition of the coroner's jury and the consequent transformation of

⁷ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁸ Acts 1875 (Spec. Sess.); Burns 49-2917; Baldwin, 1935 suppl., 5452.

⁹ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-833, 49-836; Baldwin 13154 to 13166, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁰ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹¹ Const., art. 6, sec. 9. Rev. Stat. 1843, ch. 7, sec. 74. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7031. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹² *U. S. Statutes at Large*, 1:51 note. Theodore Calvin Pease, editor, *Laws of Northwest Territory* (1925), 125. Louis B. Ewbank and Dorothy L. Riker, editors, *Laws of Indiana Territory, 1809 - 1816* (1934), 93. Burns, vol. 1, p. 289. Acts 1807, ch. 8, sec. 1. Acts 1813, ch. 23, secs. 1, 2.

the inquest from a court hearing in public to a formal non-judicial inquiry.¹³

The coroner is required to investigate deaths resulting from violence and other unnatural causes and inquire into the cause and manner of death.¹⁴ If the finding of the inquisition determines that the death was caused by felony, the coroner must order the arrest of any person whom he may charge with such felony.¹⁵ He holds inquests without a jury,¹⁶ and may subpoena witnesses and employ a physician for post-mortem examination.¹⁷ He draws up his verdict in writing,¹⁸ and files it in the office of the clerk of the circuit court, together with a written report giving a minute description of the deceased and valuables found with the body. These valuables are turned over to the county treasurer for the common school fund if no person legally authorized to receive them can be found.¹⁹ If the coroner is absent from the county or unable to attend an inquest, any justice of the peace of the county may hold the inquest.²⁰ The coroner makes a written report each month, to the state department of public safety, showing deaths of persons in his jurisdiction, during the preceding month, resulting from the operation of motor vehicles.²¹ He is a peace officer with the same powers as the sheriff,²² and acts as sheriff in event of absence, a vacancy in the office, personal interest, or incapacity of that officer.²³ All judicial writs against the sheriff are executed by the coroner.

¹³ Acts 1807, ch. 8, secs. 2-10. Acts 1817-18 (general), ch. 20, secs. 1-9. Rev. Laws 1824, ch. 100, secs. 10-22. Rev. Stat. 1838, ch. 99 (1), secs. 1-23; ch. 99 (2), secs. 1-3. Rev. Stat. 1843, ch. 5, sec. 136; ch. 37, sec. 135; ch. 38, secs. 82-84; ch. 56, secs. 1-16. 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a. Acts 1879; Burns 49-2905; Baldwin 5444. *Stults v. Board of County Comrs.*, 168 Ind. 539, 81 N. E. 471.

¹⁴ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904a; Baldwin, 1935 suppl., 5439a.

¹⁵ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

¹⁶ Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

¹⁷ 2 Rev. Stat. 1852; Burns 49-2906; Baldwin 5440.

¹⁸ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2908; Baldwin 5442.

¹⁹ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2909; Baldwin 5443. 2 Rev. Stat. 1852, Acts 1913; Burns 49-2913; Baldwin 5447.

²⁰ 2 Rev. Stat. 1852; Burns 49-2915; Baldwin 5449.

²¹ Acts 1939; Burns, 1939 suppl., 47-1919; Baldwin, 1939 suppl., 289-48.

²² 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

²³ 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437.

This duty includes the arrest and detention of the sheriff by the coroner.²⁴

The coroner is not required to keep any records permanently.²⁵

184. CORONERS' INQUESTS, 1850-. 25 f. b.

Inquests held in sudden and violent deaths, showing dates of death, inquest and filing, name and description of deceased, list of articles found on body, witnesses' statements, coroner's verdict, and autopsy record. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Clk. off.

185. INQUEST RECORD, 1914-. 2 vols.

Record of inquests held in violent and sudden deaths, showing dates of death, inquest and filing, name and description of deceased, names of witnesses, coroner's verdict, autopsy record, and amount of fees. Arr. chron. by dates of inquests. No index. Hdw. 456 pp. 16 x 10 x 2. 1 vol., 1914-34, aud. off.; 1 vol., 1935-, pros. atty. off.

VIII. PROSECUTING ATTORNEY

The prosecuting attorney is a constitutional officer, elected by the voters of each judicial circuit for a two-year term.¹ Warrick County alone constitutes the second judicial circuit.² He is commissioned by the governor,³ and holds office until his successor is elected and qualified.⁴ He must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of prosecuting attorney, he must reside within the judicial circuit, and must not hold

²⁴ 2 Rev. Stat. 1852; Burns 49-2903; Baldwin 5438.

²⁵ Interview of August 30, 1939 with E. P. Brennan, state examiner.

¹ Const., art. 7, sec. 11. Acts 1851-52, ch. 8, sec. 1. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. Robinson v. Moser (1931), 203 Ind. 66, 179 N. E. 270.

² Acts 1919, ch. 8, sec. 1.

From the organization of Warrick County in 1813 until 1919, the county belonged to judicial circuits composed of more than one county. See the essay entitled "Circuit Court."

³ Const. 1816, art. 11, sec. 9. Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

⁴ Const., art. 15, sec. 3.

⁵ Const. 1816, art. 11, sec. 14. Const., art. 6, sec. 4.

any other lucrative office.⁶ He must post bond in the amount of \$5,000, approved by the circuit judge and filed with the clerk of the circuit court,⁷ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁸

The prosecuting attorney of Warrick County receives a regular salary of \$1,700 per year payable out of the county treasury.⁹ He is entitled to reimbursement for expenses incurred when attending conferences called by the attorney general.¹⁰ He is not permitted to retain, as compensation for himself, any fees collected by him.¹¹

If the prosecuting attorney is convicted of corruption or other high crime, he may, on information in the name of the state, be removed from office by the supreme court.¹² This is the only method by which he may be removed from office.¹³

Any vacancy in the office of prosecuting attorney is filled through appointment by the governor. The appointee must take oath and post bond as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.¹⁴

⁶ Const. 1816, art. 11, secs. 6, 13. Const., art. 2, sec. 9; art. 6, sec. 6. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. State ex rel. Howard v. Johnston (1885), 101 Ind. 223.

⁷ Rev. Laws 1824, ch. 24, sec. 11. Rev. Laws 1831, ch. 10, sec. 3. Rev. Stat. 1838, ch. 9 (first act), sec. 3. Rev. Stat. 1843, ch. 4, secs. 84-100. Acts 1851-52, ch. 8, sec. 2. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

⁸ Const. 1816, art. 11, sec. 1. Const., art. 15, sec. 4. Rev. Laws 1824, ch. 24, sec. 11. Rev. Laws 1831, ch. 10, sec. 3. Rev. Stat. 1838, ch. 9 (first act), sec. 3. Rev. Stat. 1843, ch. 4, secs. 77, 78, 83, 84, 92. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁹ Acts 1810, ch. 10, sec. 5. Acts 1813-14, ch. 12, secs. 1, 2. Acts 1814, ch. 3, secs. 4, 5. Rev. Laws 1824, ch. 24, secs. 9, 12. Rev. Laws 1831, ch. 10, sec. 5. Rev. Stat. 1838, ch. 9 (first act), sec. 5. Rev. Stat. 1843, ch. 13, sec. 5. Acts 1858 (Spec. Sess.), ch. 12, sec. 2. Acts 1859, ch. 114, sec. 1. Acts 1861, ch. 41, sec. 133. Acts 1933; Burns 49-2689; Baldwin 7549.

¹⁰ Acts 1933, 1937; Burns. 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547.

¹¹ *Ibid.* *Opinions of the Attorney General of Indiana, 1938*, p. 234.

¹² Const., art. 7, sec. 12. Acts 1897; Burns 49-819; Baldwin 13152.

¹³ State ex rel. Gibson v. Friedley (1893), 135 Ind. 119, 34 N. E. 872; State v. Patterson (1914), 181 Ind. 660, 105 N. E. 228; State v. Redman (1915), 183 Ind. 332, 109 N. E. 184; State ex rel. Williams v. Ellis (1916), 184 Ind. 307, 112 N. E. 98; State v. Dearth (1929), 201 Ind. 1, 164 N. E. 489; State ex rel. Youngblood v. Warrick Circuit Court (1935), 208 Ind. 594, 196 N. E. 254. Interview of July 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁴ Const., art. 5, sec. 18; art. 6, sec. 9. Acts 1825-26, ch. 44, sec. 3. Rev. Laws 1831, ch. 10, sec. 4. Rev. Stat. 1838, ch. 9 (first act), sec. 4. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin

The prosecuting attorney may appoint such deputies as may be necessary. Their salaries are paid on warrants drawn by the auditor after an appropriation therefor by the county council and allowance of a claim therefor by the board of commissioners.¹⁵ The deputies must take the oath required of the prosecuting attorney, may perform all his official duties, and are subject to the same regulations and penalties.¹⁶ The prosecuting attorney may remove such deputies at any time and is responsible for their official acts.¹⁷ Whenever the prosecuting attorney fails to attend court, the judge must appoint some person to act in his place, and the compensation of the appointee is deducted from the salary of the prosecuting attorney.¹⁸

From the organization of Warrick County in 1813¹⁹ until 1814, a prosecuting attorney for the county was appointed by the territorial governor, to continue in office at the will of the governor. From 1814 until 1824 he was appointed by the judges of the circuit court, to serve during his good behavior. From 1824 until 1827 a prosecuting attorney for the judicial circuit was appointed for a one-year term by the governor. From 1827 until 1843 he was appointed for a two-year term by joint ballot of the senate and house of representatives. From 1843 until 1847 he was elected for a two-year term by the voters of the judicial circuit. From 1847 until 1851 his term was three years. Since 1851 his term has been two years. The office of prosecuting attorney became a constitutional office when the Constitution of 1851 was adopted.²⁰

7081. 1 Rev. Stat. 1852; Burns 49-402, 49-404, 49-408, 49-409; Baldwin 13101, 13103, 13106, 13107. State ex rel. Custer v. Schortemeier (1929), 197 Ind. 507, 151 N. E. 407. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁵ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. Acts 1933; Burns 49-2602, 49-2620; Baldwin 7548, 7549.

¹⁶ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109. Stout v. State (1884), 93 Ind. 150.

¹⁷ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933; Burns 49-2602; Baldwin 7548.

¹⁸ Rev. Laws 1824, ch. 24, sec. 12. Acts 1833-34, ch. 92, secs. 1-4. Rev. Stat. 1838, ch. 9 (second act), secs. 1-4. Acts 1851-52, ch. 8, sec. 5. 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461.

¹⁹ Acts 1813, ch. 23, secs. 1, 2.

²⁰ Const. 1816, art. 12, secs. 3, 4. Const., art. 7, sec. 11. Acts 1810, ch. 10, sec. 5. Acts 1813-14, ch. 12, secs. 1-5; ch. 29, secs. 1, 2. Acts 1814, ch. 2, secs. 1, 2; ch. 3, secs. 4, 5. Acts 1816-17, ch. 3, sec. 2. Rev. Laws 1824, ch. 24, secs. 9, 10. Acts 1826-27, ch. 17, sec. 1. Rev. Laws 1831, ch. 10, sec. 1. Rev. Stat. 1838, ch. 9 (first act), sec. 1. Rev. Stat. 1843, ch. 4, sec. 28; ch. 58, sec. 1; ch. 59, sec. 21; ch. 73, sec. 1. Acts 1842-43, ch. 15, sec. 1. Acts 1846-47 (general), ch. 13, sec. 1. Acts 1850-51 (general), ch. 132, secs. 1-3. 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456. Louis B. Ewbank and Dorothy L. Riker, editors, *Laws of Indiana Territory, 1809-1816* (1934), 65, 66.

Warrick County had a court of common pleas from 1853 until 1873. The judicial district of that court was composed of the counties of Vanderburgh and Warrick from 1853 until 1859, and the counties of Gibson, Posey, Vanderburgh, and Warrick from 1859 to 1873.²¹ During the existence of the court of common pleas a district attorney was biennially elected by the voters of the judicial district of that court. The district attorney's duties were similar to those of the prosecuting attorney, except that they extended only to the courts of common pleas and the courts of justices of the peace in the counties forming the judicial district of the court of common pleas.²²

The prosecuting attorney acts as attorney for the state in criminal cases under the state laws and as attorney for the state and county in civil cases.²³

Investigations of alleged violations of criminal laws are conducted by the prosecuting attorney,²⁴ the sheriff,²⁵ or the coroner,²⁶ co-operating with one another and with state and federal bureaus of law enforcement;²⁷ and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.²⁸

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.²⁹ When an indictment is found by the grand jury, the foreman writes thereon the words "A true bill", and signs his name thereunder.

²¹ See the essay entitled "Circuit Court."

²² Acts 1851-52, ch. 8. 2 Rev. Stat. 1852, pt. 3, ch. 3. Acts 1861 (Spec. Sess.), ch. 25; ch. 28, sec. 1. Acts 1873, ch. 29, sec. 79.

²³ Acts 1817-18 (general), ch. 4, sec. 2. Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 10, sec. 2. Rev. Stat. 1838 (first act), ch. 9, sec. 2. Rev. Stat. 1843, ch. 37, sec. 101. Acts 1851-52, ch. 8, secs. 1, 3, 4. Acts 1905; Burns 4-2409; Baldwin 11595. 2 Rev. Stat. 1852; Burns 49-2501, 49-2503, 49-2504; Baldwin 5456, 5459, 5460. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

²⁴ 2 Rev. Stat. 1852; Burns 49-2507; Baldwin 5459.

²⁵ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

²⁶ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

²⁷ Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

²⁸ Acts 1905, 1927; Burns 9-806, 9-901, 9-908; Baldwin 2102, 2123, 2131.

²⁹ Acts 1905; Burns 9-826; Baldwin 2122.

The indictment is also signed by the prosecuting attorney.³⁰

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.³¹ He may also prosecute on affidavit all criminal offenses under the state laws, other than treason and murder.³²

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all civil actions and proceedings in which the county may be interested or involved,³³ including suits to collect taxes³⁴ or to recover tax penalties and forfeitures³⁵ and suits against officers or on their bonds.³⁶

The prosecuting attorney prosecutes suits on forfeited recognizances,³⁷ suits to recover costs of cutting hedge fences when the work was done by public officials,³⁸ suits against railroad companies to recover penalties for not grav-

³⁰ Acts 1905; Burns 9-901; Baldwin 2123. Taylor v. State (1883), 113 Ind. 471, 16 N. E. 183.

³¹ Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 10, sec. 2. Rev. Stat. 1828 (first act), ch. 9, sec. 2. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

³² Acts 1905, 1927; Burns 9-908; Baldwin 2131.

³³ Acts 1816-17 (general), ch. 32, sec. 9; ch. 72, sec. 5. Rev. Laws 1824, ch. 24, sec. 10. Rev. Laws 1831, ch. 90, secs. 21, 27. Rev. Stat. 1843, ch. 13, sec. 233; ch. 14, sec. 35; ch. 15, sec. 128. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

³⁴ Rev. Laws 1824, ch. 86, secs. 23, 43. Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1935, 1937; Burns, 1939 suppl., 12-912; Baldwin 1937 suppl., 3764-41. Acts 1937; Burns, 1939 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-719, 64-1518, 64-1519; Baldwin 15633, 15772, 15773. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 13754. Acts 1933, 1937; Burns, 1939 suppl., 64-2628; Baldwin, 1937 suppl., 16009.

³⁵ Acts 1919; Burns 64-608, 64-1319, 64-2208; Baldwin 15576, 15723, 15815. Acts 1933, 1937; Burns, 1939 suppl., 64-2627, 64-2628; Baldwin, 1937 suppl., 16007, 16009.

³⁶ Acts 1813, ch. 8, sec. 24. Acts 1816-17, ch. 3, sec. 22; ch. 17, sec. 13; ch. 19, secs. 14, 15. Acts 1817-18 (general), ch. 42, secs. 19, 21, 22; ch. 43, sec. 21; ch. 44, sec. 13. Acts 1818-19, ch. 8, sec. 2. Acts 1819-20, ch. 46, sec. 2. Rev. Laws 1824, ch. 23, sec. 8; ch. 24, sec. 10; ch. 56, sec. 4; ch. 86, secs. 21, 23. Acts 1825, ch. 21, sec. 4. Rev. Laws 1831, ch. 10, sec. 2; ch. 81, sec. 46. Acts 1834-35 (general), ch. 18. Rev. Stat. 1838, ch. 9 (first act), sec. 2. 1 Rev. Stat. 1852; Burns 44-204; Baldwin 5635. Acts 1883; Burns 49-142; Baldwin 13094. Acts 1895; Burns 49-1408; Baldwin 7583. Acts 1917; Burns 60-227; Baldwin 13378. Acts 1919; Burns 64-2507, 64-2508; Baldwin 15856, 15857. Wood v. State ex rel. Canady (1890), 125 Ind. 219, 25 N. E. 190; Wood v. Board of County Comrs. (1890), 125 Ind. 270, 25 N. E. 188.

³⁷ Acts 1816-17, ch. 5, sec. 1. Acts 1817-18 (general), ch. 4, sec. 1. Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

³⁸ Acts 1891; Burns 30-303; Baldwin, 1935 suppl., 7648-1. Acts 1895; Burns 30-307; Baldwin 7649.

elling highway crossings,³⁹ suits to recover gambling losses,⁴⁰ and suits to enjoin violation of laws concerning horse racing.⁴¹ He acts for the state when a surety on a forfeited recognizance sues the principal on the theory of subrogation of the rights of the state.⁴² He prosecutes bastardy proceedings,⁴³ quo warranto proceedings,⁴⁴ and cases of surety of the peace.⁴⁵ He resists undefended divorce suits⁴⁶ and applications for change of names of persons; and protects the interests of all persons of unsound mind.⁴⁷ In lunacy proceedings he represents the person alleged to be insane.⁴⁸ He must be present at the hearing of proceedings to commit any person to any hospital operated by the trustees of Indiana University.⁴⁹ On appeals from the medical examination board in license matters he represents that board.⁵⁰

The Attorney General of Indiana holds conferences with all prosecuting attorneys concerning traffic problems.⁵¹

The prosecuting attorney administers oaths⁵² and performs the duties of notaries public.⁵³ He collects docket fees for his services in criminal prosecutions, divorce cases, suits on forfeited recognizances, and other suits which he is required to prosecute or defend, and pays such fees over to the

³⁹ Acts 1895; Burns 55-620; Baldwin 14119.

⁴⁰ 1 Rev. Stat. 1852; Burns 10-2323; Baldwin 2806.

⁴¹ Acts 1895; Burns 10-2711; Baldwin 9273.

⁴² Acts 1905; Burns 9-1045; Baldwin 2178.

⁴³ 2 Rev. Stat. 1852; Burns 3-622; Baldwin 867.

⁴⁴ Acts 1819-20, ch. 74, sec. 3. Rev. Stat. 1843, ch. 48, secs. 46, 58. 2 Rev. Stat. 1852, pt. 2, ch. 1, secs. 749, 750. Acts 1881 (Spec. Sess.), 1929; Burns 3-2001, 3-2002; Baldwin 1045, 1046. Acts 1897; Burns 49-821 to 49-823, 49-831; Baldwin 13154 to 13156, 13164.

⁴⁵ Acts 1905; Burns 9-511; Baldwin 2059.

⁴⁶ Acts 1817-18 (general), ch. 35, sec. 3. Rev. Laws 1831, sec. 9. Rev. Stat. 1838, ch. 31, sec. 8. Rev. Stat. 1843, ch. 35, sec. 69. Acts 1873, 1913; Burns 3-1212 to 3-1215; Baldwin 916 to 919. State v. Brinneman (1889), 120 Ind. 357, 22 N. E. 332.

⁴⁷ Acts 1851-52, ch. 8, sec. 4. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

⁴⁸ 2 Rev. Stat. 1852, Acts 1895; Burns 8-202; Baldwin 3460. Chase v. Chase (1904), 163 Ind. 178, 71 N. E. 485.

⁴⁹ Acts 1939; Burns, 1939 suppl., 28-5416, 28-5417; Baldwin, 1939 suppl., 14078-89b, 14078-89c.

⁵⁰ Acts 1897, 1899, 1901; Burns 63-1306; Baldwin 10707.

⁵¹ Acts 1931, 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547.

⁵² Acts 1901; Burns 49-2506; Baldwin 5462.

⁵³ Acts 1919; Burns 49-2507 to 49-2510; Baldwin 5463 to 5466.

county treasurer.⁵⁴ He cannot represent applicants for liquor licenses.⁵⁵

The prosecuting attorney makes monthly reports to the board of commissioners concerning his activities and the amount of fees collected by him and turned over to the treasurer.⁵⁶ The state board of accounts prescribes the forms for an appearance record, fee book, and cashbook, to be kept by the prosecuting attorney, and a monthly report to be made by him.⁵⁷ The Warrick County Prosecuting Attorney states that he keeps no records.

IX. COUNTY ASSESSOR

The assessor of Warrick County is a statutory officer, elected for a four-year term by the voters of the county. He receives a certificate of election from the clerk of the circuit court and is not commissioned by the governor. He holds office until his successor has been elected and qualified. He must be an elector of the county, and have been a continuous resident freeholder of the county for at least four years before the date of his election; and, while holding the office of assessor, he must reside within the county and must not hold any other lucrative office. He must post bond in the amount of \$5,000, approved by and filed with the auditor,¹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.² The office of county assessor was established in its present form by an act of 1919.³

⁵⁴ Rev. Laws 1824, ch. 24, sec. 13; ch. 36, secs. 22, 24. Acts 1825-26, ch. 44, sec. 4. Acts 1861 (Spec. Sess.), ch. 25, sec. 4; ch. 28, sec. 1. Acts 1873, ch. 48, sec. 16. Acts 1875 (Spec. Sess.); Burns 49-2511; Baldwin 5468. Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. *Opinions of the Attorney General of Indiana, 1938*, p. 238.

⁵⁵ Acts 1901, 1913; Burns 49-2513; Baldwin 5467.

⁵⁶ Acts 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547. Acts 1933; Burns 49-2695; Baldwin 7550.

⁵⁷ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹ Const., art. 2, sec. 9; art. 6, secs. 4, 6; art. 15, secs. 3, 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

² Const. 1816, art. 11, sec. 1. Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

³ Acts 1919, 1921; Burns 64-1101 to 64-1103; Baldwin 15696, 15698, 15699.

The assessor receives a salary of \$1,000 per year, plus \$2.50 for each day spent in conference with the state board of tax commissioners, together with actual railroad fare to and from the place of holding such conferences.⁴ For his services as appraiser of decedents' estates, the circuit court allows him compensation between \$1 and \$50 for each estate appraised, based on the value thereof.⁵ He is entitled to reimbursement for expenses when temporarily working in other counties under direction of the board of commissioners.⁶ He is not permitted to retain, as compensation for himself, any fees collected by him.⁷

For incompetency, neglect of duty, or misconduct in office, the assessor may be removed by the state board of tax commissioners after a hearing by that board. After such removal the assessor may appeal to the circuit court, and have a trial de novo on the charges on which he was removed.⁸ For sufficient legal grounds, the assessor may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁹ If the assessor is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁰

Any vacancy in the office of assessor is filled by appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), an assessor is elected for the remainder of the term in which the vacancy occurred. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹¹

⁴ Acts 1933; Burns 49-1004, 49-1011; Baldwin 7534, 7541. Acts 1919; Burns 64-1103; Baldwin 15698.

⁵ Acts 1931, 1933, 1939; Burns, 1939 suppl., 6-2408; Baldwin, 1939 suppl., 15946.

⁶ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁷ Acts 1933; Burns 49-1005; Baldwin 7535.

⁸ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁹ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁰ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹¹ Const., art. 6, sec. 9. Rev. Stat. 1843, ch. 7, sec. 61. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107.

Subject to the approval of the board of commissioners, the assessor may appoint one or more deputies to serve no more than 30 days in any calendar year. The deputies each receive \$4 per day as compensation. They have the same qualifications, powers, and duties as the assessor, are subject to his control and direction, and must take the oath of office required of the assessor.¹² With the approval of the board of commissioners, the assessor may also employ clerical assistants who shall each receive compensation not exceeding \$5 per day, pursuant to appropriation by the county council.¹³

From the organization of the county in 1813¹⁴ until 1841, assessors (often called listers) were appointed annually by the court or board doing county business, to list all property subject to taxation and to determine the value thereof (where the tax was based on value).¹⁵ Under acts of 1824 and 1831 any person refusing to accept his appointment as assessor was subject to a penalty of \$25.¹⁶ An act of February 10, 1841 provided for the election of a county assessor in each county for a two-year term.¹⁷ The office of county assessor was abolished in 1852, and the duties were transferred to township assessors elected for two-year terms.¹⁸ From 1841 to 1872 real property was assessed by appraisers appointed, from time to time as needed, by the board doing county business.¹⁹ The office of county assessor (elected for a two-year term) replaced that of appraiser in 1872;²⁰ but in 1875 the office was abolished, and the duties were transferred to township assessors elected for two-year terms.²¹ An act of March 6, 1891 re-established the office of county assessor. Under this

Acts 1919, 1921; Burns 64-1101; Baldwin 15696. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹² 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919; Burns 64-1102; Baldwin 15698.

¹³ Acts 1933; Burns 49-1011; Baldwin 7541.

¹⁴ Acts 1813, ch. 23, secs. 1, 2.

¹⁵ Acts 1807, ch. 51, sec. 11; ch. 92, sec. 1. Acts 1811, ch. 35, secs. 1, 17. Acts 1813-14, ch. 32, secs. 1-3. Acts 1817-18 (general), ch. 42, sec. 1. Rev. Laws 1824, ch. 15, sec. 7; ch. 86, secs. 5-7. Rev. Laws 1831, ch. 81, secs. 3-5. Rev. Stat. 1838, ch. 21, sec. 12.

¹⁶ Rev. Laws 1824, ch. 86, sec. 29. Rev. Laws 1831, ch. 81, sec. 4.

¹⁷ Acts 1840-41 (general), ch. 3, sec. 1.

¹⁸ 1 Rev. Stat. 1852, ch. 6, sec. 64; ch. 92, sec. 1.

¹⁹ Acts 1840-41 (general), ch. 1, secs. 1-12, 20. Acts 1850-51 (general), ch. 5, sec. 1.
¹ Rev. Stat. 1852, ch. 6, secs. 44, 45. Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

²⁰ Acts 1872 (Spec. Sess.), ch. 37, secs. 107, 276.

²¹ Acts 1875, ch. 97, secs. 2, 7, 9.

law, the assessor was elected for a four-year term, and was not eligible for re-election until four years after the expiration of the term for which he was elected. He was required to be resident freeholder and householder of the county not less than five years before the date of his election.²² In 1933 the office of township assessor was abolished in each township having a population not exceeding 5,000 (all townships except Boon), and the duties of the office were transferred to the township trustee.²³ Reference hereinafter to township assessors includes township trustees performing the duties prescribed by statutes for township assessors.

The duties of the county assessor are to examine tax duplicates and other records and papers in the offices of the auditor, treasurer, recorder, clerk, sheriff, and surveyor, together with the returns of the township assessors; to discover, list, and assess all omitted property of every kind, entering his valuations in a separate column on the township assessors' books; to advise and instruct the township assessors; to report to the state board of tax commissioners any incompetency or neglect of duty on the part of township assessors;²⁴ and determine the value of taxable intangibles.²⁵ Under appointment by the circuit court, he serves as appraiser of estates in the administration of the inheritance tax law.²⁶ He appraises school property in accordance with laws concerning transfer of pupils from one school to another.²⁷ He is ex officio member and president of the county board of review.²⁸ His work is under the direction of the state board of tax commissioners.²⁹ Formerly the county assessor made out the assessment rolls (now made by the auditor),³⁰ took a census of deaf mutes in the county,³¹ and kept a book showing the

²² Acts 1891, ch. 99, sec. 112.

²³ Acts 1933; Burns 64-1031; Baldwin 15664.

²⁴ Acts 1919; Burns 64-1102; Baldwin 15698. *McConnell v. Hampton* (1905), 164 Ind. 547, 73

N. E. 1092.

²⁵ Acts 1933, 1935; Burns, 1939 suppl., 64-905; Baldwin, 1935 suppl., 15903.

²⁶ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1931, 1933, 1939; Burns, 1939 suppl., 6-2408; Baldwin, 1939 suppl., 15946.

²⁷ Acts 1901, 1909, 1915, 1921; Burns 28-3704; Baldwin 6288.

²⁸ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁹ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

³⁰ Rev. Laws 1824, ch. 86, secs. 4, 5, 7. Acts 1838-39 (general), ch. 14, secs. 14, 15. Rev. Stat. 1843, ch. 12, sec. 28. Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

³¹ Acts 1838-39 (general), ch. 41, sec. 1.

names of all blind, dumb, deaf, or insane persons in the county.^{§2}

Assessments by the county assessor under the property tax laws are subject to review by the county board of review. Such assessments are also reviewable by the circuit court on the question of whether the property is taxable.^{§3}

The assessor must return to the auditor, on or before the first Monday after July 4 each year, all township assessors' books, returns, lists, schedules, maps, and other papers received by him from the auditor, together with such additional lists, assessments, books, and papers as he has made thereto.^{§4} He is not required to keep any records permanently.^{§5}

186. RECORD OF MORTGAGES, 1906-. 5 vols. (2-6).

Record of residents of Warrick County holding mortgages on real property situated in other counties showing date and amount of mortgage, names of mortgagor and mortgagee, and volume and page reference to mortgage record of county where property is located. Arr. alph. by names of mortgagors. No index. Hdw. 500 pp. 16 x 12 x 3. Assr. off.

187. DOG TAX RECEIPT BOOK, 1910-. 30 vols.

Duplicates of receipts issued for payment of dog taxes, showing date of receipt, description of dog, amount of tax, name of owner, and number of dogs owned. Arr. chron. by dates of receipts. No index. 50 pp. 10 x 4 x ½. 26 vols., 1910-34, bsmt. stor. rm.; 4 vols., 1935-, assr. off.

188. INHERITANCE TAX PAPERS, 1931-. 4 f. b.

Schedules of all property and affidavits of executors or administrators, trustees or heirs for inheritance tax appraisal, showing names of decedent and affiant, dates of schedule, decedent's death, will admitted to probate and letters of administration granted, location, description and assessed and market valuation of real property, par and market valuation of all intangibles, market valuation of chattels, interest in business or co-partnerships, trusts and all other property, recapitulation of all taxables, itemized list of claims, debts and expenses, and amount of deduction claimed. Arr. chron. by

^{§2} Acts 1849-50 (general), ch. 17, secs. 2, 3.

^{§3} Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704. Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

^{§4} Acts 1919, Burns 64-1102; Baldwin 15698.

^{§5} Interview of May 18, 1939 with E. P. Brennan, state examiner.

dates of schedules. No index. Hdw. 10 x 4 x 14. Assr. off.

For other inheritance tax records, see entries 210, 265.

189. [INTANGIBLE TAX VALUATION RECORD], 1933-. 1 f. b.

Applications for determining the valuation taxable intangibles, showing date of application, name and address of applicant, description of stocks, bonds, mortgages and other intangibles, face value, valuations by applicant, county assessor and state tax board, and computation of tax. Arr. chron. by dates of applications. No index. Hdw. 10 x 4 x 14. Assr. off.

For other intangible tax records, see entries 211, 212.

190. DEPUTY ASSESSOR'S APPOINTMENT, 1929-. 2 f. b.

Appointments of deputy assessors, showing dates of appointment and filing, and names of appointee and township. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

MAPS

191. WARRICK COUNTY, 1922. 1 map.

Political map of Warrick County, showing date of map, and boundaries of Boonville, Chandler, Newburgh and townships. Drawn by B. C. Samples. Published at Boonville. Printed. Scale: 2" to 1 mi. 42 x 42. Assr. off.

192. REAL ESTATE AND ROADS OF BOONE TOWNSHIP, 1923. 1 map.

Political and communication map, showing townships, sections, roads, ranges, lanes and creeks. Drawn by C. Warren Abbott. Published at Boonville. Printed. Scale: 3" to 1 mi. 36 x 32. Assr. off.

193. CITY OF BOONVILLE, 1930. 1 map.

Communication map of Boonville, showing date of map, streets, and block numbers. Drawn by B. C. Samples. Published at Boonville. Blueprint. Scale: 2" to 1 mi. 36 x 42. Assr. off.

X. COUNTY BOARD OF REVIEW

The board of review of Warrick County, established under an act of 1891¹ and re-established in 1919, is composed of the county assessor, auditor, and treasurer, and two freeholders of opposite political parties, appointed annually by the judge of the circuit court.² Each member must be an elector of the

¹ Acts 1891, ch. 99, sec. 114.

² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

county, must have been an inhabitant thereof during one year next preceding his appointment, and must reside within the county while holding the office.³ Each member must take an oath that he will support the state and federal constitutions and will faithfully discharge his duties as a member of the board of review and will assess, review, and equalize the assessment of all property of the county according to the true cash value of such property.⁴ The assessor and auditor are, respectively, the president and secretary of the county board of review.⁵

The appointed members of the county board of review receive, as compensation, \$5 for each day actually served as members of the board. Allowance therefor is made by the board of commissioners on claims supported by the certificate of the assessor. The assessor, auditor, and treasurer receive no compensation, in addition to their regular salaries, for their services on the board of review. Before 1933 the auditor and treasurer received, in addition to their regular salaries, \$5 per day for each day actually served as members of the board.⁶

For sufficient legal grounds, any member of the county board of review may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.⁷ If any member is convicted of a felony, the judgment of conviction must declare his office vacant.⁸ The judge of the circuit court fills vacancies as to members appointed by him.⁹ Any vacancy in the office of the other members is filled by replacement in the office of county assessor, auditor, or treasurer, as the case may be, the membership in the board of review being an incident to such office.¹⁰

³ Const., art. 6, sec. 4, 6.

⁴ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁶ Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130.

⁷ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁸ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁰ See the essays entitled "Auditor", "County Assessor", and "Treasurer".

Before 1919 duties analogous to those of the present board of review were performed by the following officers and boards: From the organization of the county in 1813¹¹ to 1814, court of common pleas; 1814 to 1817, associate judges of the circuit court;¹² 1817 to 1823, board of commissioners;¹³ 1824 to 1838, clerk of the circuit court and assessors or listers;¹⁴ 1839, 1840, board of commissioners, clerk of the circuit court, and assessors or listers;¹⁵ 1841, board of commissioners, county assessor, and auditor (personal property only); 1841, board of equalization, composed of the board of commissioners, auditor, and appraiser (real estate only);¹⁶ 1842 to 1852, board of equalization, comprised by the board of commissioners, county assessor, and auditor;¹⁷ 1853 to 1871, board of equalization, composed of the board of commissioners, auditor, and assessors (personal property only);¹⁸ 1853 to 1871, board of equalization, including the board of commissioners, auditor, and appraiser or appraisers (real estate only);¹⁹ 1872 to 1880, board of equalization, comprised of the board of commissioners, county assessor, and auditor;²⁰ 1881 to 1890, board of equalization, composed of board of commissioners and four freeholders (from different parts of the county) appointed by the circuit judge;²¹ 1891 to 1894, board of review, consisting of the county assessor, auditor, and treasurer;²² 1895 to 1918, board of review, composed of the county assessor, auditor,

¹¹ Acts 1813, ch. 23, secs. 1, 2.

¹² Const. 1816, art. 12, sec. 4. Acts 1813, ch. 8, secs. 2, 6, 12. Acts 1813-14, ch. 23, secs. 1-3. Acts 1814, ch. 2, secs. 1, 2, ch. 13, sec. 3.

¹³ Acts 1816-17, ch. 19, sec. 7. Acts 1817-18 (general), ch. 42, sec. 12.

¹⁴ Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8.

¹⁵ Acts 1838-39 (general), ch. 14, secs. 14, 15.

The editor substituted "clerk of the circuit court" for "auditor", in view of the last sentence of sec. 5 of said act, there being no auditor in Warrick County in 1839 or 1840.

¹⁶ Acts 1838-39 (general), ch. 14, secs. 14, 15. Acts 1840-41 (general), ch. 1, secs. 9, 13.

¹⁷ Acts 1840-41 (general), ch. 1, sec. 18.

¹⁸ 1 Rev. Stat. 1852, ch. 6, sec. 91.

The Revised Statutes of 1852 became effective on May 6, 1853. Jones v. Cavins (1853), 4 Ind. 305.

¹⁹ 1 Rev. Stat. 1852, ch. 35, sec. 2. Jones v. Cavins (1853), 4 Ind. 305.

²⁰ Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278.

²¹ Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

²² Acts 1891, ch. 99, sec. 114.

treasurer, and two freeholders appointed by the circuit judge.²³

In townships having a population not exceeding 5,000 (all townships except Boon), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference hereinafter to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.²⁴

The county board of review hears complaints of taxpayers concerning assessments (except those made by the state board of tax commissioners), reviews and corrects such assessments, equalizes property valuations, and makes assessments of omitted property. The tax list prepared by the county assessor and township assessors stands except in the particulars where it is changed by the board. The board has power to set aside the assessments for the whole county or a whole taxing unit therein and to order a new assessment by the county assessor and township assessors under instructions from the board.²⁵ The action of the board is subject to review by the state board of tax commissioners.²⁶ On questions of law concerning valuation of property, the decisions of the board of review and of the state board of tax commissioners may be reviewed by the circuit court; and appeal (on law and facts) may be taken from the board of review to the circuit court on the question of whether property is taxable.²⁷

The board of review holds an annual meeting on the first Monday of June;²⁸ and the session can last 38 days in any year in which real estate is assessed, and 28 days in other years.²⁹ A majority of all the members of the board constitutes a quorum for the transaction of business, and such majority must concur in decisions of the board. The auditor, as secretary, is required to keep full and accurate minutes of the proceedings of the board.³⁰ The county assessor, as

²³ Acts 1895, ch. 36, sec. 2.

²⁴ Acts 1933; Burns 64-1031; Baldwin 15664.

²⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

²⁶ Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

²⁷ Acts 1927; Burns 64-1020; Baldwin 15636. Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitations on the scope of the appeals was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

²⁸ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁹ Acts 1919; Burns 64-1205; Baldwin 15704.

³⁰ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

president, keeps an attendance record; and, at the close of the session, certifies to the board of commissioners the number of days actually served by each member.⁸¹

194. RECORD BOARD OF REVIEW, 1891-. 2 vols.

Minutes of meetings of board of review, showing date of meeting, names of members present, business discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 400 pp. 16 x 11 x 2. 1 vol., 1891-1910, aud. off.; 1 vol., 1911-, assr. off.

195. TAX LEVY APPEALS, 1934-. 1 f. b.

Transcripts of appeals to state board of tax commissioners from decisions of county board of review, showing dates of appeal and filing, name of appellant, and transcript of proceedings on appeal. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

XI. COUNTY BOARD OF TAX ADJUSTMENT

The board of tax adjustment of Warrick County was established by an act of 1932¹ and re-established by acts of 1933² and 1937. It consists of seven members, chosen as follows: One member of the county council, selected by the council; the mayor of the city of Boonville or any public official of the city appointed by him; one member of the board of school trustees of the city of Boonville, selected by that board; and four citizens and freeholders of the county appointed before April 15 each year by the judge of the circuit court, to hold office until April 15 of the following year. No more than four of the seven members of the board of tax adjustment may be members of the same political party. Each member must be an elector of the county, must have been an inhabitant thereof during one year next preceding his appointment, and must reside within the county while holding the office. The members serve without compensation. Each member must take an oath that he will support the state and federal constitutions and that he will faithfully discharge the duties of his office as member of the county board of tax adjustment. The board

⁸¹ Acts 1919; Burns 64-1204; Baldwin 15703.

¹ Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

² Acts 1933, ch. 237, sec. 4.

elects a chairman and a vice-chairman from among its members; and the auditor acts as clerk, but has no vote in its proceedings. The board may employ one of the examiners of the state board of accounts to assist in the duties of the board of tax adjustment; and the auditor pays, from county funds, the expenses in connection with such employment.³

The board established under the act of 1932 was composed of: The auditor; three members of the county council, selected by the council; and three members annually appointed by the judge of the circuit court.⁴ The board established under the act of 1938 was composed of seven members. One member was appointed by the county council from the members of the council. The other six members were appointed by the judge of the circuit court, as follows: A township trustee; the mayor of a city or the president of the board of trustees of a town; a member of the board of school commissioners, board of school trustees, or board of education of a school city or school town; and three resident freeholders of the county at large.⁵

For sufficient legal grounds, any member of the county board of tax adjustment may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.⁶ If any member is convicted of a felony, the judgment of conviction must declare his office vacant.⁷ A vacancy in the office of any member is filled in the manner provided by law for filling such office originally.⁸

The board of tax adjustment reviews budgets, tax levies, and tax rates adopted by the county council for the county and also those adopted by the several taxing units within the county.⁹ The action of the board of tax adjustment is subject to review by the state board of tax commissioners.¹⁰

³ Const., art. 6, secs. 4, 6; art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁴ Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

⁵ Acts 1933, ch. 237, sec. 4.

⁶ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁷ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁸ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁹ Acts 1899; Burns 26-515; Baldwin 5379. Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

¹⁰ Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

Before 1932 no county officer or board performed duties analogous to those of the county board of tax adjustment, except that in 1920 such tax levies were reviewable by the county council.¹¹ Since 1919, with the exception of 1920, such budgets, tax levies, and tax rates have been reviewable directly by the state board of tax commissioners.¹² Before 1919 the sole remedy of a taxpayer to obtain a review of such budgets, tax levies, or tax rates was to apply to a court for an injunction.¹³

The board of tax adjustment meets on the second Monday in September each year, and from day to day thereafter as its business requires, and must complete its duties on or before October 1.¹⁴ The auditor, as clerk, keeps a complete record of all the proceedings of the board.¹⁵

196. [BOARD OF TAX ADJUSTMENT RECORD], 1933-. In County Council Record, entry 28.

Minutes of meetings of board of tax adjustment, showing date of meeting, names of members present, business discussed, and action taken.

XII. BOARD OF FINANCE

The board of finance of Warrick County, created by an act of 1907¹ and re-created by the Depository Act of 1935² and the Depository Act of 1937, consists of the board of commissioners of Warrick County. The county auditor is secretary.³

The county auditor and members of the board of com-

¹¹ Acts 1920 (Spec. Sess.), ch. 49, sec. 3. Interview of May 22, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

¹² Acts 1919, 1920 (Spec. Sess.); Burns 64-1303, 64-1329, 64-1330; Baldwin 15707, 15733, 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹³ Toledo & W. R. Co. v. Lafayette (1864), 22 Ind. 262; First Nat. Bank v. Greger (1901), 157 Ind. 479, 62 N. E. 21. Interview of May 22, 1939 with Philip Zoercher, chairman of the state board of tax commissioners.

¹⁴ Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

¹⁵ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹ Acts 1907, ch. 222, sec. 6. This act was repealed by Acts 1935, ch. 70, sec. 42.

² Acts 1935, ch. 70, secs. 7, 43. This act was repealed by Acts 1937, ch. 3, sec. 42.

³ Acts 1937; Burns, 1939 suppl., 61-629, 61-663; Baldwin, 1937 suppl., 13844-50, 13844-84. For laws concerning eligibility, oath, and removability of these officers, see the essays entitled "Auditor" and "Board of Commissioners."

missioners receive no compensation for their services as secretary and members, respectively, of the board of finance. From 1907 to 1932, and in 1935 and 1936, the auditor received \$50 per year.⁴

Before 1907, no county officer or board performed duties analogous to those of the board of finance.⁵

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.⁶ It designates the banks and trust companies to serve as depositories for county funds,⁷ and for all fees and funds received by the clerk of the circuit court by virtue of his office.⁸ It may revoke the commission of any depository at any time.⁹ In the name of "The Board of Finance of Warrick County", the board may sue and be sued in any action in any court of competent jurisdiction.¹⁰

The board of finance holds an annual meeting on the third Monday in January, at which it elects its president;¹¹ and holds a biennial meeting on the third Monday in February, in the odd-numbered years, at which it considers proposals and designates depositories for the ensuing two-year period.¹² The board holds sessions whenever necessary to discharge its duties and accomplish the purposes of the laws governing it. A majority of the members constitutes a quorum for the transaction of business. All meetings are open to the public.¹³

The board keeps, as permanent records, the depositories' monthly statements of deposits.¹⁴ The auditor, as secretary of the board of finance,¹⁵ keeps a record of its proceedings. All records of the board are subject to public inspection.¹⁶

⁴ Acts 1907, ch. 222, sec. 7 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1935, ch. 70, sec. 7 (repealed by Acts 1937, ch. 3, sec. 42). Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50. *Opinions of the Attorney General of Indiana, 1934*, p. 313; *1936*, p. 130.

⁵ Interview of May 31, 1939 with E. P. Brennan, state examiner.

⁶ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁷ Acts 1937; Burns, 1939 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

⁸ Acts 1937; Burns, 1939 suppl., 61-673; Baldwin, 1937 suppl., 1438-1.

⁹ Acts 1937; Burns, 1939 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

¹⁰ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹¹ *Ibid.*

¹² Acts 1937; Burns, 1939 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

¹³ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹⁴ Acts 1937; Burns, 1939 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

¹⁵ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

¹⁶ Acts 1937; Burns, 1939 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

197. WARRICK COUNTY BOARD OF FINANCE, 1907-. 1 vol. Minutes of meetings of board of finance, showing date of meeting, names of members present, nature of business discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 425 pp. 16 x 11 x 2. Aud. off.

198. AUDITOR'S REPORT OF COUNTY FINANCE, 1912-. 2 f. b. Statements compiled by auditor concerning financial status of county for review by county board of finance, showing date of statement, amounts of receipts and disbursements for year, and balance or indebtedness. Arr. chron. by dates of statements. No index. Hdw. 10 x 4 x 14. Aud. off.

199. BANK, BUILDING AND LOAN REPORTS, 1925-. 4 f. b. Petitions filed with board of finance for deposits of county funds, showing date of petition, names of depository, stockholders and officers, and amounts of assets and liabilities of depository. Arr. chron. by dates of petitions. No index. Hdw. 10 x 4 x 14. Aud. off.

200. DEPOSITORY INTEREST, 1925-. 1 f. b. Monthly statements of minimum balances and interest accrued on deposits of county funds, showing date of statement, name of depository, amounts of deposits and withdrawals, and amount of interest on minimum balance. Arr. chron. by dates of statements. No index. Hdw. 10 x 4 x 14. Aud. off.

XIII. COUNTY SCHOOL FUND BOARD

The school fund board of Warrick County was created by an act of 1935 and consists of the county auditor, the clerk of the circuit court, and one member appointed by the judge of the circuit court for a two-year term. No more than two members of the board may be adherents of the same political party.¹ Each member must be an elector of the county, must have been an inhabitant thereof during one year next preceding his appointment, and must reside within the county while holding office.² Each member must take an oath that he will support the state and federal constitutions and will faithfully discharge his duties as a member of the county school fund board.³

¹ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

² Const., art. 6, secs. 4, 6.

³ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

The appointed member of the county school fund board receives, as compensation, \$2 for each loan made by the board, which amount is taxed as a part of the costs and is paid by the borrower. The auditor and the clerk of the circuit court receive no compensation, in addition to their regular salaries, for their services on the county school fund board.⁴

For sufficient legal grounds, any member of the county school fund board may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁵ If any member is convicted of a felony, the judgment of conviction must declare his office vacant.⁶ The judge of the circuit court fills the vacancy as to the member appointed by him.⁷ Any vacancy in the office of the other members is filled by replacement in the office of the county auditor or clerk of the circuit court, as the case may be, the membership in the county school fund board being an incident to such office.⁸

From the organization of the county until 1829 school lands (section 16 in each township) were leased by a trustee of the school sections appointed by the court or board doing county business. From 1824 until 1829 the trustees were elected for three-year terms by the voters of the township.⁹ From 1818 until 1853 the public seminary funds of the county were in custody of a trustee of public seminary (appointed by the governor from 1818 to 1824, and appointed by the board doing county business after 1824).¹⁰ From 1829 to 1849 loans from the school funds were made by the county school commissioner, elected for a three-year term by the voters of the county. The school commissioner was the financial agent of the county to manage the school funds and the lands belonging

⁴ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

⁵ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1297. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁶ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁷ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

⁸ See the essays entitled "Auditor" and "Clerk of the Circuit Court."

⁹ Const. 1816, art. 9, sec. 1; art. 12, sec. 4. Acts 1810, ch. 24, secs. 1-5. Acts 1816-17, ch. 12, sec. 1. Acts 1817-18 (general), ch. 49, secs. 1, 2. Rev. Laws 1824, ch. 97, sec. 1.

¹⁰ Const. 1816, art. 9, sec. 1. Acts 1817-18 (general), ch. 72, sec. 1. Rev. Laws 1824, ch. 22, secs. 2, 3. Rev. Laws 1831, ch. 20, sec. 25. Rev. Stat. 1838, ch. 21, sec. 25. Rev. Stat. 1843, ch. 14, sec. 31. 1 Rev. Stat. 1852, ch. 97.

thereto.¹¹ In 1849 this office was abolished in Warrick County, and the duties thereof were divided between the auditor and the treasurer, under the direction of the board of commissioners.¹² With the approval of the township trustees, the auditor had authority to make loans until 1935.¹³

The common school fund, as established by the Constitution of 1851,¹⁴ is kept by the auditor, in pursuance of an act of 1865, in two separate accounts:¹⁵ (a) The common school fund, consisting of moneys from the sale of escheated property, all lands granted to the state without a special object named in the grant, fines assessed by the courts, all moneys and lands formerly belonging to county seminaries, and all appropriations for schools, together with sundry minor funds; and (b) the Congressional township school fund, consisting of moneys from the sale of Congressional township school lands.¹⁶ Distribution of the common school fund is made biennially by the state to the counties on the basis of the average daily attendance of school children.¹⁷ Another school fund account, kept by the auditor, is the permanent endowment fund of Indiana University, established by an act of 1883 which is derived from a tax levy one-half of one cent on each \$100 of taxable property, collected each twelfth year after the establishment of the fund.¹⁸ This fund is paid into the state treasury and is apportioned to the counties, by the state auditor, according to population.¹⁹ All school funds are under the control of Warrick County and are loaned and managed by the county school fund board.²⁰ The county is held liable for both principal and interest.²¹

All loans made by the county school fund board (except

¹¹ Acts 1828-29, ch. 84, secs. 8, 15. Rev. Stat. 1831, ch. 86, secs. 6-52. Acts 1832-33, ch. 70, sec. 3. Rev. Stat. 1838, ch. 94 (2), secs. 1-16. Rev. Stat. 1843, ch. 4, secs. 11, 20; ch. 13, secs. 106-108, 193, 246, 247; ch. 15, secs. 85-87, 97.

¹² Acts 1848-49 (general), ch. 116, sec. 4. Acts 1851-52, ch. 57, secs. 1, 2. 1 Rev. Stat. 1852, ch. 98, secs. 133-137. Acts 1865, ch. 1, sec. 54.

¹³ 1 Rev. Stat. 1852, ch. 98, secs. 34, 35. Acts 1865, ch. 1, sec. 75.

¹⁴ Const., art. 8, sec. 2.

¹⁵ Acts 1865: Burns 28-105; Baldwin 6511.

¹⁶ Acts 1865: Burns 28-101; Baldwin 6499.

¹⁷ Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

¹⁸ Acts 1883; Burns 28-5579; Baldwin 6956.

¹⁹ Acts 1897; Burns 28-5542; Baldwin 6906.

²⁰ Acts 1865: Burns 28-101; Baldwin 6499. Acts 1907; Burns 28-102; Baldwin 6500.

²¹ Acts 1865; Burns 28-104; Baldwin 6499-1.

those made to the county) must be secured by mortgages on real estate. The board must satisfy itself, after approval of the title by the county attorney, as to the value of real estate offered in the mortgage, the validity of the title, and whether it is encumbered.²² The interest rate of such loans is five percent per annum.²³ Loans may be made to the county, on proper authorization by the county council, for a period not exceeding five years,²⁴ and the rate of interest is six percent per annum.²⁵

Whenever more than \$5,000 in either fund remains unloaned in the county for six months, the county auditor must notify the auditor of state, and the unloaned moneys may be transferred to another county.²⁶

The auditor makes and keeps records of all loans made by the county school fund board.²⁷ Once each quarter he publishes in a local newspaper a statement of the amount of school funds unloaned.²⁸

201. SCHOOL FUND MORTGAGES, 1854-. 8 f. b.

Original real estate mortgages executed to secure school fund loans, showing date, number, amount, rate of interest and conditions of mortgage, name of mortgagor, valuation, location and description of real estate, approval of school fund board, and volume and page reference to School Fund Mortgage Record, entry 87. Arr. chron. by dates of mortgages. No index. Hdw. and typed. 10 x 4 x 14. Aud. off.

For record of school fund loans, see entry 273.

202. APPLICATIONS FOR RENEWAL OF SCHOOL FUND LOAN, 1925-. 4 f. b.

Applications for renewal of school fund loans, showing date of application, name of applicant, location and description of property, amount of mortgage, and action of board. Arr. chron. by dates of applications. No index. Hdw. and typed. 10 x 4 x 14. Aud. off.

²² Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

²³ Acts 1933; Burns 28-215; Baldwin 6574.

²⁴ Acts 1901; Burns 28-201, 28-202; Baldwin 6568, 6569.

²⁵ Acts 1901; Burns 28-204; Baldwin 6571.

²⁶ Acts 1901; Burns 28-206; Baldwin 6573.

²⁷ Acts 1901; Burns 28-201 to 28-206; Baldwin 6568 to 6573.

²⁸ Acts 1883, ch. 58, sec. 1. Acts 1899, ch. 95, sec. 1. Acts 1907; Burns 28-207, 28-208;

Baldwin 6556, 6557. Board of County Comrs. v. Leslie (1878), 63 Ind. 492.

203. APPRAISEMENT FOR RENEWAL OF SCHOOL FUND LOANS, 1914-
3 f. b.

Appraisers' reports on appraisement of property to secure school fund loans, showing date of appraisement, names of property owner and appraisers, location and description of property, and appraised valuation. Arr. chron. by dates of appraisements. No index. Hdw. 10 x 4 x 14. Aud. off.

XIV. TREASURER

The treasurer of Warrick County is a constitutional officer, elected for a two-year term by the voters of the county.¹ He is commissioned by the governor,² and holds office until his successor is elected and qualified.³ No person is eligible to the office of treasurer more than four years in any six-year period.⁴ The treasurer must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of treasurer, he must reside within the county, must not hold any other lucrative office,⁶ and must not practice law.⁷ He must post bond, covering his duties as county treasurer, in an amount not less than the amount of money which may come into his hands at any time during his term, approved by the board of commissioners and filed with the clerk of the circuit court.⁸ He must take an oath that he will support

¹ Const., art. 6, sec. 2. *Gemmer v. State ex rel. Stephens* (1904), 163 Ind. 150, 71 N. E. 478.

² Const., art. 15, sec. 6. Rev. Stat. 1843, ch. 4, sec. 56. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2.

⁵ *Ibid.*, sec. 4. Rev. Stat. 1843, ch. 4, secs. 73, 74.

⁶ Const., art. 2, sec. 9; art. 6, sec. 6. Rev. Stat. 1843, ch. 4, secs. 61, 75.

⁷ Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

⁸ Acts 1816-17, ch. 17, sec. 2. Acts 1817-18 (general), ch. 44, sec. 2. Rev. Laws 1824, ch. 23, sec. 1; ch. 86, secs. 18, 27. Rev. Laws 1831, ch. 21, sec. 1; ch. 81, secs. 17, 19. Rev. Stat. 1843, ch. 4, secs. 88, 92-100; ch. 27, secs. 71-73. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548. *Pepper v. State ex rel. Harvey* (1864), 22 Ind. 399.

the state and federal constitutions and will faithfully discharge the duties of his office.⁹

The treasurer receives from the county a regular salary of \$1,720 per year. In addition to his salary, he receives, as compensation for himself, six percent of all delinquent personal property taxes collected by him, plus a "demand fee" of 50 cents on each collection resulting from personal demand. From 1919 until 1933 he also received \$5 per day for each day actually served as member of the board of review of Warrick County.¹⁰

For sufficient legal grounds, the treasurer may be removed from office by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹¹ If the treasurer is convicted of a felony, the judgment of conviction must declare his office vacant.¹² If the treasurer becomes officially delinquent and a suit is commenced on his official bond, he may be removed from office by the board of commissioners,¹³ but such removal is subject to review by the circuit court.¹⁴

Any vacancy in the office of treasurer is filled through appointment by the board of commissioners. The appointee must take oath and post bond, as was required of his predecessor, and hold office for the unexpired term and until his successor is elected and qualified.¹⁵

⁹ Const., art. 15, sec. 4. Rev. Laws 1824, ch. 65, sec. 18. Rev. Laws 1831, ch. 81, sec. 17. Rev. Stat. 1843, ch. 4, secs. 77, 78, 81, 83, 84, 92; ch. 7, secs. 72, 73. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹⁰ Acts 1816-17, ch. 17, sec. 12. Acts 1817-18 (general), ch. 44, sec. 12. Rev. Laws 1824, ch. 23, sec. 7; ch. 86, sec. 34. Rev. Laws 1831, ch. 21, sec. 5; ch. 81, sec. 40. Rev. Stat. 1843, ch. 7, sec. 90; ch. 12, secs. 59, 71. Acts 1933; Burns 49-1001, 49-1004, 49-1016; Baldwin 7531, 7534, 7546. Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7536. Acts 1919, 1920 (Spec. Sess.); Burns, 64-1201, 64-1204; Baldwin 15700, 15703. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130. *Town of Paoli v. Charles* (1905), 164 Ind. 690, 74 N. E. 508.

¹¹ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1816-17, ch. 17, sec. 3. Acts 1817-18 (general), ch. 44, sec. 3. Rev. Laws 1824, ch. 23, sec. 2. Rev. Laws 1831, ch. 21, sec. 6. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹² Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹³ Rev. Stat. 1843, ch. 7, sec. 67. 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

¹⁴ 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277.

¹⁵ Const., art. 6, sec. 9. Acts 1816-17, ch. 17, sec. 3. Acts 1817-18 (general), ch. 44, sec. 3. Rev. Laws 1824, ch. 86, sec. 30. Rev. Laws 1831, ch. 81, sec. 37. Rev. Stat. 1843, ch. 4, sec. 136.

Under authority from the board of commissioners, the treasurer may appoint one deputy and one or more assistants. The county council fixes their salaries, which must be not less than \$75 nor more than \$125 per month.¹⁶ The treasurer may, at his own expense, employ other persons to collect delinquent personal property taxes by personal demand.¹⁷ The treasurer may require the deputy to give bond.¹⁸ The deputy must take the oath required of the treasurer, may perform all the official duties of the treasurer, and is subject to the same regulations and penalties.¹⁹ The treasurer may remove such deputy and assistants at any time, and is responsible for their official acts.²⁰

The sheriff served, ex officio, as county treasurer from 1813, when the county was organized, until 1817²¹ and as county tax collector from 1813 until 1824.²² From 1817 until 1841 a county treasurer was annually appointed by the board doing county business.²³ He received and disbursed county funds; received taxes collected by the sheriff (1817 to 1824) and tax collector (1824 to 1841); collected the fees charged

139, 160, 162, 163, 168, 169; ch. 7, secs. 74, 87. Rev. Stat. 1843, ch. 7, sec. 74. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. *Douglass v. State ex rel. Wright* (1869), 31 Ind. 429. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana. *Beale v. State ex rel. Gray* (1874), 49 Ind. 41; *Weaver v. State ex rel. Sims* (1899), 152 Ind. 479, 53 N. E. 450.

¹⁶ Rev. Laws 1831, ch. 81, secs. 17, 37. Rev. Stat. 1843, ch. 12, sec. 153. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

¹⁷ Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7536.

¹⁸ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁹ Rev. Stat. 1843, ch. 4, sec. 85. 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109. *Lucas v. Shepherd* (1861), 16 Ind. 368.

²⁰ Rev. Stat. 1843, ch. 7, sec. 88; ch. 12, secs. 82, 153. 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²¹ Const. 1816, art. 12, secs. 3, 4. Acts 1807, ch. 65, secs. 1-3. Acts 1811, ch. 37, secs. 3-5, 7. Acts 1813, ch. 8, sec. 26; ch. 23, secs. 1, 2. Acts 1815, ch. 10, secs. 1, 2.

²² Const. 1816, art. 12, secs. 3, 4. Acts 1811, ch. 4, sec. 5; ch. 35, secs. 7, 11-15; ch. 37, secs. 6, 8, 10, 11. Acts 1813, ch. 8, secs. 14-26; ch. 25, secs. 1-3, 5. Acts 1813-14, ch. 14; ch. 32, secs. 3, 4, 6, 7. Acts 1814, ch. 15, sec. 2. Acts 1815, ch. 5, secs. 1, 5, 7. Acts 1816-17, ch. 8, sec. 23; ch. 19, secs. 7, 9-15; ch. 23, sec. 3; ch. 25, sec. 1. Acts 1817-18 (special), ch. 17, sec. 1; ch. 36, sec. 3. Acts 1817-18 (general), ch. 42, secs. 11, 14-19, 21, 23-27; ch. 44, secs. 4-11; ch. 72, secs. 2, 3; ch. 77, sec. 3; ch. 79, sec. 1.

²³ Acts 1816-17, ch. 17, secs. 1, 2. Acts 1817-18 (general), ch. 44, secs. 1, 2. Rev. Laws 1824, ch. 23, sec. 1. Rev. Laws 1831, ch. 21, sec. 1.

for the licensing of taverns, shows, and vending of foreign merchandise; kept a separate account of receipts from fines, to be used to support county seminaries; and made annual settlements with the board.²⁴ From 1824 to 1841 the board annually appointed a tax collector.²⁵ He collected taxes (other than the license fees aforesaid); conducted tax sales; issued tax sale certificates and tax deeds; paid all collected funds over to the county treasurer and state treasurer; filed with the clerk of the circuit court a report concerning the sale of lands for delinquent taxes; and made and delivered to the clerk an alphabetical list of all white male persons over 21 years old residing in the county.²⁶ In 1841 the office of county tax collector was abolished, and the duties of that office were transferred to the county treasurer. From 1841 until the adoption of the Constitution of 1851 (which made the treasurer a constitutional officer), the treasurer was elected for a three-year term by the voters of the county.²⁷

The treasurer receives all moneys coming to the county and disburses the same on warrants issued by the auditor. He countersigns the warrant and stamps thereon the name of the depository by which it is payable. He may pay the warrant out of funds in his office or require it to be presented to the depository for payment.²⁸ He collects taxes for the state and county and also for townships, cities, and towns in the county, as shown on the tax duplicate delivered to him

²⁴ Acts 1816-17, ch. 8, sec. 22; ch. 10, sec. 13; ch. 17, secs. 1-11; ch. 19, secs. 7, 13, 15; ch. 23, sec. 5; ch. 27, sec. 1; ch. 69, sec. 23. Acts 1817-18 (special), ch. 2, sec. 1; ch. 4, sec. 1; ch. 36, sec. 2. Acts 1817-18, (general), ch. 4, sec. 3; ch. 13, sec. 30; ch. 14, secs. 4, 25; ch. 32, sec. 9; ch. 42, secs. 3, 12, 14, 18, 22, 23, 25; ch. 43, sec. 21; ch. 44, secs. 1-11; ch. 47, sec. 2; ch. 62, secs. 2, 3; ch. 72, sec. 2; ch. 77, sec. 5; ch. 79, sec. 1. Rev. Laws 1824, ch. 23, secs. 1-10; ch. 86, secs. 24, 25, 32, 36, 37. Rev. Laws 1831, ch. 20, secs. 15, 17; ch. 21, secs. 1-10; ch. 81, secs. 14, 29, 31, 28, 39, 45, 46, 50. Rev. Stat. 1838, ch. 21, secs. 15, 17.

²⁵ Rev. Laws 1824, ch. 86, secs. 18, 42. Rev. Laws 1831, ch. 81, secs. 17, 18.

²⁶ Rev. Laws 1824, ch. 23, secs. 6, 8, 11, 13; ch. 86, secs. 11-16, 19-23, 32, 34-37, 39-41, 45. Acts 1825, ch. 9, sec. 1. Acts 1829-30, ch. 9, sec. 5. Rev. Laws 1831, ch. 20, secs. 15, 18, 19; ch. 21, secs. 2-4, 10; ch. 81, secs. 14, 17-46, 51. Rev. Stat. 1838, ch. 81, secs. 18, 19.

²⁷ Const., art. 6, sec. 2. Acts 1840-41 (general), ch. 4, secs. 1, 13-22, Rev. Stat. 1843, ch. 4, sec. 18; ch. 7, secs. 70, 75-91; ch. 12, secs. 53-180. *Ham v. State ex rel. Williams* (1844), 7 Blackford 344.

²⁸ Rev. Stat. 1843, ch. 7, secs. 76-84, 91. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 18844-48. *State ex rel. Zable v. Benson* (1880), 70 Ind. 481.

by the auditor.²⁹ Polls and property omitted from the tax duplicate are reported by him to the auditor for assessment.³⁰ He sells real estate and personal property at public auction for delinquent taxes.³¹ He also collects corporate taxes,³² inheritance taxes,³³ and the excise tax on shares of stock and deposits of banks, trust companies,³⁴ and loan associations;³⁵ and sells intangible tax stamps for the state board of tax commissioners.³⁶

All public funds paid into the county treasury must be deposited by the treasurer daily in one or more depositories designated by the board of finance. The treasurer makes monthly reports to the board of finance showing the balance of funds at the end of the previous month—consistent with the statements furnished to the board by the depository;³⁷ makes quarterly reports to the board of commissioners and auditor showing the amount of money in the county treasury;³⁸ makes monthly reports to the auditor showing the total amount of cash payments received by him during the month and the respective accounts on which they were applied;³⁹ makes annual settlements with the board of commissioners in January;⁴⁰ makes semiannual settlements for taxes with the county auditor in May and November,⁴¹ and in accordance therewith pays to

²⁹ Rev. Stat. 1843, ch. 7, sec. 86; ch. 12, secs. 53-55, 62, 67, 174. Acts 1897, ch. 54, sec. 1. Acts 1905; Burns 48-6701, 48-6702, 48-6705; Baldwin 11511 to 11513. Acts 1919; Burns 64-1408, 64-1502; Baldwin 15745, 15748. Standard Oil Co. v. Bretz (1884), 98 Ind. 231.

³⁰ Acts 1919; Burns 64-2102; Baldwin 15803.

³¹ Rev. Stat. 1843, ch. 7, sec. 89; ch. 12, secs. 56-67, 83-126. Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15776 to 15782, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807. Pay v. Shanks (1877), 56 Ind. 554.

³² Acts 1919; Burns 64-1801; Baldwin 15783.

³³ Acts 1931; Burns 6-2413; Baldwin 15951.

³⁴ Acts 1933; Burns 64-804; Baldwin 15585.

³⁵ Acts 1933; Burns 64-827; Baldwin 15608.

³⁶ Acts 1933; Burns 64-927; Baldwin 15925.

³⁷ Acts 1907; Burns 61-610; Baldwin 13814. Acts 1937; Burns, 1939 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

³⁸ Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. Acts 1895, 1913; Burns 49-1403; Baldwin 7578. Wolfe v. State ex rel. Kennard (1883), 90 Ind. 16.

³⁹ Acts 1919; Burns 64-2101; Baldwin 15802.

⁴⁰ Rev. Stat. 1843, ch. 7, sec. 90. Acts 1899; Burns 26-531; Baldwin 5395. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563.

⁴¹ Rev. Stat. 1843, ch. 12, secs. 68, 154. Acts 1919; Burns 64-2501; Baldwin 15850.

the state treasurer in June and December all money due for state purposes;⁴² and also makes requested payments to the state treasurer at other times.⁴³ He makes quarterly reports to the auditor showing specifically the amount of fees collected;⁴⁴ and deposits quarterly with the auditor all redeemed warrants.⁴⁵

The county treasurer is a member of the board of review, which meets annually for the purpose of reviewing property tax valuations.⁴⁶

The treasurer must keep his office, books, and papers in a fireproof building (if available) and his office must be open for transaction of business during business hours.⁴⁷ He must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be open to public inspection.⁴⁸ He keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds.⁴⁹ An "insolvent record" of dropped taxes, prepared by the auditor, is kept in the treasurer's office.⁵⁰

Forms for the following books have been prescribed for county treasurers by the state board of accounts: Daily balance of cash and depositories; record of warrants by depositories; ledger of receipts and disbursements; register of taxes collected; record of bids for bonds; and daily inventory of intangible tax stamps. This board has prescribed blank forms of monthly reports and various receipts.⁵¹

From time to time without notice, the books and accounts

⁴² Rev. Stat. 1843, ch. 12, secs. 68, 69. Acts 1919; Burns 64-2503, 64-2504; Baldwin 15852, 15853.

⁴³ Acts 1859, 1861; Burns 49-1813; Baldwin 15059. Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

⁴⁴ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

⁴⁵ Rev. Stat. 1843, ch. 7, sec. 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

⁴⁶ Acts 1891, ch. 99, sec. 114. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁴⁷ Rev. Stat. 1843, ch. 7, sec. 75. 1 Rev. Stat. 1852; Burns 49-3106; Baldwin 5553. Acts 1853; Burns 49-3107, 49-3108; Baldwin 5556, 5557.

⁴⁸ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

⁴⁹ Acts 1841-42 (general), ch. 4, sec. 5. Rev. Stat. 1843, ch. 7, sec. 75. 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

⁵⁰ Acts 1919; Burns 64-2801; Baldwin 15864.

⁵¹ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

of the treasurer are audited by the state examiner.⁵² Before 1909 the board of commissioners audited the books of the treasurer at each regular session of the board.⁵³

TAXES

(See also entries 257-272)

PERSONAL AND REAL PROPERTY

204. TAX DUPLICATE, 1873-. 167 vols. (labelled by years). Record of taxes payable and amount returned delinquent, showing dates of installment and payment, names of taxpayer and taxing unit, tax duplicate number, location and description of real estate, assessed valuation of real and personal property, total valuation, exemption and net value of taxables, amounts of current, delinquent, penalty and poll tax, and total tax due and amount paid. Arr. by taxing units, thereunder alph. by names of taxpayers. No index. Hdw. 300 pp. 18 x 26 x 3. 101 vols., 1873-1913, bsmt. stor. rm.; 66 vols., 1914-, treas. off.

205. REGISTER OF TAXES COLLECTED, 1912-. 17 vols. (4 vols. not numbered, 3-15). Title varies: Cash Book for Reception of Taxes, 1912-14, 2 vols.; Cash Book of Taxes, 1915-20, 2 vols.

Daily record of taxes collected, showing date, amount and nature of payment, names of taxpayer and taxing unit, and tax duplicate number. Arr. chron. by dates of payments. No index. Hdw. 300 pp. 18 x 11 x 2½. 15 vols., 1912-14, 1921-, treas. off.; 2 vols., 1915-20, bsmt. stor. rm.

206. TAX RECEIPTS, 1918-. 333 vols.

Duplicate tax receipts issued for payment of taxes, showing dates of receipt and payment, names of taxpayer and taxing unit, location and description of property, amounts of real property, personal and poll taxes due and paid, and tax duplicate number. Arr. by taxing units, thereunder num. by receipt nos. No index. Hdw. 300 pp. 17 x 13 x 2. 266 vols., 1918-28, bsmt. stor. rm.; 67 vols., 1929-, treas. off.

207. MORATORIUM TAX RECEIPTS, 1934-. 2 vols.

Duplicates of receipts issued by treasurer upon payment of taxes under moratorium, showing date, amount and number of receipt, name of taxpayer, tax duplicate number, and location

⁵² Acts 1909; Burns 60-211; Baldwin 13862.

⁵³ Rev. Stat. 1843, ch. 7, sec. 78. 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Interview of May 18, 1939 with E. P. Brennan, state examiner.

and description of property. Arr. num. by receipt nos. No index. Hdw. 75 pp. 6 x 9 x 1½. Treas. off.

PUBLIC IMPROVEMENTS (see also entries 20-25, 256)

208. DITCH TAX DUPLICATE, 1903-. 16 vols.

Record of assessments for construction and maintenance of ditches, showing dates of installment and payment, names of property owner and ditch, receipt number, amounts of assessment, payment and delinquency, and location and description of assessed property. Arr. alph. by names of property owners. No index. Hdw. 100 pp. 16 x 16 x 1. 15 vols., 1903-18, bsmt. stor. rm.; 1 vol., 1919-, treas. off.

209. DRAINAGE TAX RECEIPTS, 1914-. 5 vols.

Duplicates of receipts issued for payments of ditch taxes, showing date, amount and number of receipt, names of property owner and ditch, and location and description of property. Arr. chron. by dates of receipts. No index. Hdw. 200 pp. 16 x 11 x 2. Treas. off.

INHERITANCE AND INTANGIBLE

210. INHERITANCE TAX RECORD, 1913-. 2 vols.

Stubs of receipts issued for payment of inheritance taxes, showing dates of receipt and decedent's death, receipt and cause numbers, names of estate, heirs and administrator or executor, amounts of tax and discount, and total amount paid. Arr. num. by receipt nos. No index. Hdw. 300 pp. 10 x 22 x 3. Treas. off.

For other inheritance tax records, see entries 188, 265.

211. [INTANGIBLE STAMP RECORD], 1933-. 2 vols.

Daily inventory of intangible tax stamps, showing date of inventory, and number and denominations of stamps received, sold and on hand. Arr. chron. by dates of inventories. No index. Hdw. 150 pp. 8 x 5 x ½. Treas. off.

For other intangible tax records, see entries 189, 212.

212. MONTHLY TAX REPORT, 1934-. 1 f. b.

Monthly reports of intangible tax payments by financial institutions, showing dates of report and payment, name of institution, and amount of payment. Arr. chron. by dates of reports. No index. Typed. 10 x 4 x 14. Aud. off.

For other intangible tax records, see entries 189, 211.

DELINQUENT

213. RECORD OF INSOLVENT AND DISCHARGED TAXES, 1903-. 4 vols. (1-4).

Record of delinquent personal and poll taxes removed from

duplicates, showing date of delinquency, names of property owner and taxing unit, description of property, amounts of delinquent tax, penalty and interest, duplicate number, and reason for removal. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 240 pp. 16 x 12 x 3. 3 vols., 1903-34, bsmt. stor. rm.; 1 vol., 1935-, treas. off.

214. CERTIFICATE OF ERRONEOUS TAX, 1916-. 1 f. b.

Original certificates of error issued by auditor to treasurer for correction of tax duplicates, showing date of certificate, names of property owner and taxing unit, certificate and tax duplicate numbers, assessed valuation, and amounts of original and amended assessments. Arr. chron. by dates of certificates. No index. Hdw. 10 x 4 x 12. Treas. off.

215. MORATORIUM TAX DUPLICATE, 1934-. 2 vols.

Record of taxpayers who have elected to pay delinquent taxes on moratorium plan, showing date of moratorium, names of taxpayer and taxing unit, amount of moratorium, schedule of future payments, interest and due date of each, dates and amounts of payment and balance due, tax duplicate number, and location and description of real property. Arr. by taxing units, thereunder num. by tax duplicate nos. No index. Hdw. 300 pp. 18 x 16 x 1½. Treas. off.

216. WORK SHEET, 1935-. 3 vols.

Record of persons owing delinquent taxes, showing date of delinquency, name and address of property owner, amounts of tax and penalty, tax duplicate number, and location and description of property. Arr. num. by tax duplicate nos. No index. Hdw. 400 pp. 10 x 8 x 3. Aud. off.

RECEIPTS AND DISBURSEMENTS

217. LEDGER OF RECEIPTS AND DISBURSEMENTS, 1925-. 6 vols.

Record of receipts and disbursements of county funds, showing dates, numbers and amounts of receipts and warrants, names of payer, payee and fund, monthly total of receipts and disbursements, and balance. This is a combination of four records formerly kept separately: Cash Book of Receipts Other Than Taxes, entry 218; Record of Receipts, entry 219; Record of Disbursements, entry 220; Cash Book of Disbursements on Auditor's Warrants, entry 221. Arr. by funds, thereunder chron. by dates of receipts and disbursements. No index. 160 pp. 18 x 20 x 2. Treas. off.

218. CASH BOOK OF RECEIPTS OTHER THAN TAXES, 1890-1924. 4 vols. Title varies: Treasurer's Cash Book, 1890-1910, 3 vols. 1925- in Ledger of Receipts and Disbursements, entry 217.

Daily record of cash receipts other than taxes, showing date, number and amount of receipt, and name of payer. Arr. chron. by dates of receipts. No index. Hdw. 500 pp. 16 x 10 x 2. Treas. off.

219. RECORD OF RECEIPTS, 1890-95, 1899-1903, 1910-24. 6 vols. Title varies: Treasurer's Record of Receipts, 1890-95, 1899-1903, 2 vols. 1925- in Ledger of Receipts and Disbursements, entry 217.

Daily record of receipts of county revenue, showing date, number and amount of receipt, names of payer and fund debited, monthly totals and balance. Arr. chron. by dates of receipts. No index. Hdw. 450 pp. 18 x 24 x 3. 2 vols., 1890-95, 1899-1903, bsmt. stor. rm.; 4 vols., 1910-24, treas. off.

220. RECORD OF DISBURSEMENTS, 1890-1924. 9 vols. (2, 4, 3, and 6 vols. not numbered). Title varies: Record of Disbursements, County Revenue, 1911-18, 2 vols.; Register of Disbursements, 1919-21, 1 vol. 1925- in Ledger of Receipts and Disbursements, entry 217.

Daily record of disbursements of county funds, showing date, number and amount of disbursement, warrant number, and names of fund and payee. Arr. num. by warrant nos. No index. Hdw. 320 pp. 18 x 12 x 2. 5 vols., 1890-1903, 1919-24, treas. off.; 4 vols., 1903-18, bsmt. stor. rm.

221. CASH BOOK OF DISBURSEMENTS ON AUDITOR'S WARRANTS, 1910-24. 2 vols. 1925- in Ledger of Receipts and Disbursements, entry 217.

Record of warrants drawn on depositories against county funds, showing date, amount and number of warrant, date redeemed, name and account number of depository, and total amounts of warrants drawn on depositories. Arr. chron. by dates of warrants. No index. Hdw. 450 pp. 17 x 12 x 3. 1 vol., 1910-18, bsmt. stor. rm.; 1 vol., 1919-24, treas. off.

222. DAILY BALANCE OF CASH AND DEPOSITORIES, 1908-. 17 vols. (1 vol. not numbered, 1-16). Title varies: Treasurer's Deposits and Withdrawals of Public Funds, 1908-12, 1 vol.

Record of deposits, withdrawals and depository balances, showing date of balance, name of depository, amounts of deposits and withdrawals, cash and depository balances, and total receipts, deposits, withdrawals and balance. Arr. chron.

by dates of balances. No index. Hdw. 325 pp. 16 x 11 x 2. 9 vols., 1908-20, bsmt. stor. rm.; 8 vols., 1921-, treas. off.

223. MONTHLY FINANCIAL STATEMENT, 1911-. 3 vols. (1, 2, and 1 vol. not numbered). Title varies: Record of Monthly Balances, 1911-22, 2 vols.

Treasurer's monthly financial statements of receipts, disbursements and balances of county funds, showing date of statement, name of fund, amounts of receipts, disbursements and balance or overdraft, and total receipts, disbursements and balance. Arr. chron. by dates of statements. No index. Hdw. 100 pp. 18 x 24 x 1. 2 vols., 1911-22, bsmt. stor. rm.; 1 vol., 1923-, treas. off.

For prior records, see entry 224.

224. BALANCE BOOK TREASURER, 1904-10. 1 vol.

Treasurer's quarterly financial statements of receipts, disbursements and balances of county funds, showing same information as in entry 223. Arr. chron. by dates of statements. No index. Hdw. 100 pp. 18 x 24 x 1. Aud. off.

For subsequent records, see entry 223.

225. REGISTER OF WARRANTS AND RECORD OF DEPOSITORY BALANCES, 1913-. 5 vols.

Record of warrants drawn on depositories, showing date, amount and number of warrant, date redeemed, names of payee and depository, and total warrants drawn on depositories. Arr. chron. by dates of warrants. No index. Hdw. 400 pp. 18 x 14 x 3. 1 vol., 1913-20, bsmt. stor. rm.; 4 vols., 1921-, treas. off.

226. LIST OF OUTSTANDING WARRANTS WITH DEPOSITORIES, 1926-. 1 f. b.

Lists of outstanding warrants drawn on depositories, showing date, number and amount of warrant, date of list, and names of payee and depository. Arr. chron. by dates of lists. No index. Hdw. 10 x 4 x 14. Aud. off.

227. JUSTICE OF PEACE REPORTS OF FINES AND FEES, 1917-. 1 f. b.

Justices of peace reports of fines and fees assessed and amounts collected, showing dates of report and collection, name of payer, nature of cause, itemized list of fines and fees, and total collections. Arr. chron. by dates of reports. No index. Hdw. 10 x 4 x 14. Treas. off.

228. QUIETUS, 1935-. 1 f. b.

Applications to pay funds into treasury, showing date and number of application, names of payer and fund, and amount and purpose of payment. Arr. num. by application nos. No index. Hdw. 10 x 4 x 14. Treas. off.

229. CHECKS, 1935-. 1 f. b.

Cancelled warrants drawn against county funds, showing date, number, amount and purpose of warrant, and names of depository, payee and fund. Arr. num. by warrant nos. No index. Hdw. 10 x 4 x 14. Treas. off.

XV. AUDITOR

The auditor of Warrick County is a constitutional officer, elected for a four-year term by the voters of the county.¹ He is commissioned by the governor,² and holds office until his successor is elected and qualified.³ No person is eligible to the office of auditor more than eight years in any 12 year period.⁴ The auditor must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of auditor, he must reside within the county, must not hold any other lucrative office, and must not practice law.⁶ He must post bond in the amount of \$10,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁷ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁸

The auditor receives a regular salary of \$2,000 per year.⁹ In addition to his regular salary, he receives \$50 per year for services rendered for the city of Boonville; and from 1907 to 1932, and in 1935 and 1936, he also received \$50 per year for acting as secretary of the board of finance of Warrick County;

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415.

² Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415. Griebel v. State ex rel. Niezer (1887), 111 Ind. 369, 12 N. E. 700.

⁴ Const., art. 6, sec. 2.

⁵ *Ibid.*, sec. 4. State ex rel. Jeffries v. Kilroy (1882), 86 Ind. 118.

⁶ Const., art. 2, sec. 9; art. 6, sec. 6. Acts 1905; Burns 10-3102; Baldwin 2636. State v. Allen (1863), 21 Ind. 516; Wells v. State ex rel. Peden (1911), 175 Ind. 330, 94 N. E. 321.

⁷ Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1889; Burns 49-3003; Baldwin 5417.

⁸ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁹ Acts 1933; Burns 49-1004; Baldwin 7534.

and from 1919 until 1933, he also received \$5 per day for each day actually served as member of the board of review of Warrick County.¹⁰ He is not entitled to retain, as compensation for himself, any fees collected by him.¹¹

For sufficient legal grounds the auditor may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹² If the auditor is convicted of a felony, the judgment of conviction must declare the office vacant.¹³

Any vacancy in the office of auditor is filled through appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), an auditor is elected for the remainder of the term in which the vacancy occurred, unless such term has expired. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁴

Under authority from the board of commissioners, the auditor may appoint one deputy and one or more assistants. The county council fixes their salaries, which must be not less than \$75 nor more than \$125 per month.¹⁵ The auditor may require the deputy to give bond.¹⁶ The deputy must take

¹⁰ Acts 1907, ch. 222, sec. 7 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1935, ch. 70, sec. 7 (repealed by Acts 1937, ch. 3, sec. 42). Acts 1933; Burns 48-1232, 49-1001, 49-1004; Baldwin 11413, 7531, 7534. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Opinions of the Attorney General of Indiana, 1934*, p. 313; 1936, p. 130. Board of County Comrs. v. Johnson (1891), 127 Ind. 238, 26 N. E. 821; Tucker v. State ex rel. Board of County Comrs. (1904), 163 Ind. 403, 71 N. E. 140.

¹¹ Acts 1933; Burns 49-1005; Baldwin 7535. Workman v. State ex rel. Board of County Comrs. (1905), 165 Ind. 42, 73 N. E. 917.

¹² Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹³ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁴ Const., art. 6, sec. 9. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Douglass v. State ex rel. Wright (1869), 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁵ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. *Opinions of the Attorney General of Indiana, 1934*, p. 256; 1937, p. 324.

¹⁶ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

the oath required of the auditor, may perform all the official duties of the auditor, and is subject to the same regulations and penalties.¹⁷ The auditor may remove such deputy and assistants at any time, and is responsible for their official acts.¹⁸

The office of auditor was created in Warrick County by an act of 1841 and became a constitutional office when the Constitution of 1851 was adopted. Under the act of 1841, the auditor was elected by the voters of the county for a five-year term.¹⁹

From its organization in 1813²⁰ until December 31, 1813, Warrick County had a clerk of the court of common pleas, whose duties were transferred on December 31, 1813 to the clerk of the circuit court, from which time there has been in the county a clerk of the circuit court.²¹ Most of the early duties of the auditor were transferred to him from the clerk of the circuit court,²² and included the clerk's previous duties as clerk of the board doing county business,²³ as member of the boards performing duties similar to those of the present county board of review,²⁴ duties concerning taxation, finance, and county business,²⁵ duties concerning the empanel-

¹⁷ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

¹⁸ 1 Rev. Stat. 1852; Burns 48-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

¹⁹ Const., art. 6, sec. 2. Acts 1840-41 (general), ch. 2, sec. 1. Jones v. Cavins (1853), 4 Ind. 305.

²⁰ Acts 1913, ch. 23, secs. 1, 2.

²¹ Const. 1816, art. 5, sec. 8; art. 11, sec. 10. Const., art. 6, sec. 2. Acts 1807, ch. 2, sec. 15. Acts 1813-14, ch. 29, secs. 7, 8. Acts 1814, ch. 2, sec. 9. Acts 1815, ch. 15, sec. 2.

²² Jones v. Cavins (1853), 4 Ind. 305.

²³ Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53.

²⁴ Acts 1817-18 (general), ch. 42, sec. 12. Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8. Acts 1838-39 (general), ch. 14, secs. 14, 15.

²⁵ Acts 1807, ch. 2, sec. 8; ch. 51, sec. 8; ch. 52, sec. 1; ch. 92, secs. 1, 2, 8-12. Acts 1810, ch. 47. Acts 1811, ch. 35, secs. 1, 5-8; ch. 37, secs. 3, 6. Acts 1813, ch. 8, secs. 6, 9, 11; ch. 21, sec. 1. Acts 1813-14, ch. 26, sec. 8; ch. 32, sec. 3. Acts 1815, ch. 5, secs. 5, 13, 17; ch. 10, secs. 1-3. Rev. Laws 1824, ch. 23, sec. 6; ch. 86, secs. 7, 10, 11, 17, 19, 29, 36, 41. Acts 1825, ch. 49, sec. 2. Acts 1825-26, ch. 58, sec. 2. Acts 1829-30, ch. 9, sec. 1. Acts 1831-32, ch. 174, sec. 1. Acts 1834-35 (general), ch. 10, sec. 5; ch. 11, secs. 5, 18. Rev. Stat. 1838, ch. 91, sec. 26; ch. 95, sec. 1. Acts 1840-41 (general), ch. 2, sec. 54.

ling of petit jurors and grand jurors,²⁶ and duties concerning elections.²⁷

From 1818 to 1852 Warrick County had a county agent, appointed by the board doing county business. He performed various duties concerning county business, as required by the board, including the collection of donations for the county, purchase of land, equipment, and supplies, the sale of county property and collection of the purchase price thereof, and the making of contracts for public improvements. Originally he was appointed for an indefinite term. From 1843 until 1852 he was appointed for a three-year term. In 1852 his office was abolished and his duties were transferred to the auditor.²⁸

The auditor is the financial agent of the county; and the routine administration of county affairs centers in his office, through which all financial transactions are conducted.

Claims against the county (for consideration by the board of commissioners) are filed with the auditor and presented by him to the board of commissioners.²⁹ A claim for materials and supplies will not be allowed unless accompanied by a certificate of the auditor showing that the goods mentioned in the claim correspond in quality and prices with the contract.³⁰ He publishes all such claims and allowances thereon and also all allowances against the county made by courts.³¹ On appeals from decisions of the board of commissioners, the auditor approves the appeal bond, prepares the transcript of proceedings, and transmits the bond, tran-

²⁶ Acts 1841-42 (general), ch. 45, sec. 6. 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1. These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

²⁷ Acts 1807, ch. 84, sec. 3. Acts 1811, ch. 16, secs. 2, 12. Acts 1813-14, ch. 33, sec. 13. Acts 1816-17, ch. 9, secs. 12-14, 16, 19; ch. 14, sec. 4. Rev. Stat. 1838, ch. 32, secs. 18, 19. Acts 1834-35 (general), ch. 43, sec. 1. Acts 1841-42 (general), ch. 45, sec. 8. Rev. Stat. 1843, ch. 5, sec. 103. Acts 1875, ch. 7, sec. 1. Acts 1881 (Spec. Sess.), ch. 47, sec. 13. Acts 1908 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5; ch. 150, secs. 5, 13 (both sections repealed by Acts 1913, ch. 185, sec. 25).

²⁸ Acts 1817-18 (special), ch. 1, sec. 2; ch. 2, sec. 1. Rev. Laws 1824, ch. 93, secs. 1, 2, 4, 6, 8, 9. Acts 1841-42 (general), ch. 67, sec. 2. Rev. Stat. 1843, ch. 4, sec. 48. Acts 1851-52 (special and local), ch. 2.

²⁹ Acts 1879 (Spec. Sess.); Burns 26-805.

³⁰ Acts 1899; Burns 26-538; Baldwin 5403.

³¹ Acts 1875, ch. 18, sec. 1. Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817 to 26-819; Baldwin 5269 to 5271. *Cheney v. State ex rel. Risk* (1905), 165 Ind. 121, 74 N. E. 892.

script, and all of the documents to the reviewing court.³²

The treasurer disburses money from the county treasury on warrants (formerly called orders) drawn by the auditor. The warrants are accompanied by a carbon copy except in the case of funds of the state and townships. If funds are available to pay a warrant, the treasurer, on presentation to him, detaches and retains the carbon copy, and countersigns the original and stamps thereon the name of the depository by which it is payable.³³ If no funds are available to pay the warrant, the treasurer endorses thereon the date of the presentment and the words "not paid for want of funds"; and the warrant draws interest until the treasurer or auditor publishes a call for redemption.³⁴ The treasurer gives a receipt for all money paid to him, which receipt (except for taxes) must be deposited by the payer with the auditor, who gives a quietus for the same.³⁵ The treasurer quarterly deposits all redeemed warrants with the auditor, for permanent filing, and takes his receipt therefor.³⁶

When the auditor draws a warrant, he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved.³⁷ Records of the warrants are kept in the manner prescribed by the state board of accounts. Formerly the number, date, amount, name of payee, and purpose of the warrant were entered in a book as prescribed by statute.³⁸ The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.³⁹ Before issuing

³² 1 Rev. Stat. 1852; Burns 26-902, 26-903; Baldwin 5278, 5279. *Scotten v. Divelbiss* (1874), 46 Ind. 301; *Shirk v. Moore* (1884), 96 Ind. 199; *Strebin v. Lavengood* (1904), 163 Ind. 478, 71 N. E. 494; *Smith v. Gustin* (1907), 169 Ind. 42, 81 N. E. 722.

³³ 1 Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. Acts 1889; Burns 49-3007; Baldwin 5420. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

³⁴ Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

³⁵ Rev. Stat. 1843, ch. 7, sec. 77. 1 Rev. Stat. 1852; Burns 49-3010, 49-3104; Baldwin 5423, 5551.

³⁶ Rev. Stat. 1843, ch. 7, sec. 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

³⁷ Acts 1899; Burns 26-544; Baldwin 5409.

³⁸ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Acts 1909; Burns 60-202; Baldwin 13855.

Interview of August 15, 1939 with E. P. Brennan, state examiner.

³⁹ Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

a warrant or quietus, the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.⁴⁰ The action of mandamus lies to compel the auditor to draw a warrant on the county treasury.⁴¹

On claims allowed by courts for cost of administration of justice,⁴² and on claims (including claims on judgments) allowed by the board of commissioners, the auditor issues his warrant.⁴³ But a warrant may be issued to pay a judgment, or for management of the school fund, or insanity inquests, or salaries or other liabilities for specific amounts fixed by law, when no claim therefor has been allowed as aforesaid.⁴⁴ A warrant not called for within five years after the allowance of the claim on which it was drawn may be cancelled by the board of commissioners, if not called for after publication of notice.⁴⁵

The auditor is clerk of the board of commissioners,⁴⁶ the county council,⁴⁷ and the county board of tax adjustment,⁴⁸ and is secretary of the board of finance.⁴⁹ He is also a member and secretary of the county board of review,⁵⁰ and a member of

⁴⁰ Acts 1909; Burns 60-215; Baldwin 13866.

⁴¹ Gill v. State ex rel. Board of County Comrs. (1880), 72 Ind. 266.

⁴² Acts 1921, 1935; Burns, 1939 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1881 (Spec. Sess.), 1903, 1913, 1927, 1933; Burns 4-3319, 4-3407; Baldwin 1277, 1286. Acts 1921, 1939; Burns, 1939 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1. Acts 1893; Burns 4-3511; Baldwin 1300. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236. 1 Rev. Stat. 1852; Burns 9-2408; Baldwin 1306. Acts 1899; Burns 26-515, 26-527, 26-816; Baldwin 5379, 5391, 5268. Acts 1931; Burns 26-817, 26-818; Baldwin 5269, 5270. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128. 2 Rev. Stat. 1852; Burns 49-2709, 49-2804; Baldwin 1436, 5496.

⁴³ Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265.

⁴⁴ Acts 1897; Burns 26-809; Baldwin 5257. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Blue v. State ex rel. Powell (1936), 210 Ind. 486, 1 N. E. (2d) 122.

⁴⁵ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

⁴⁶ Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53. Acts 1855, ch. 37, sec. 1. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

⁴⁷ Acts 1899; Burns 26-509; Baldwin 5373.

⁴⁸ Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁴⁹ Acts 1937; Burns, 1939 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁵⁰ Acts 1891, ch. 99, secs. 114, 116. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

the county school fund board.⁵¹ From 1841 to 1890 he was a member of the boards performing duties like those of the present county board of review.⁵² Formerly the auditor was a member of the election board under the local option liquor laws,⁵³ and was clerk of the old-age pension board.⁵⁴ Before 1841 the clerk of the circuit court acted as clerk of the board of commissioners and board of justices⁵⁵ and was a member of the boards performing duties analogous to those of the present county board of review.⁵⁶

The township trustees quadrennially meet in the office of the auditor for the purpose of electing a county superintendent of schools. After notice given by the auditor, the trustees meet there at any time to fill a vacancy in such office. The auditor is clerk of the election and keeps a record thereof. In case of a tie vote, the auditor casts the deciding vote. The person elected files his oath of office and official bond with the auditor, who approves the bond. The auditor reports the election to the state superintendent of public instruction.⁵⁷

If on account of death, sickness, or other casualty the judge of the circuit court fails for three consecutive days to attend court during termtime, the auditor, sheriff, and clerk of the circuit court, acting together, may appoint a temporary judge to serve until the return of the regular judge or until his successor is named.⁵⁸

The auditor was authorized to fill vacancies in the former office of real estate appraiser.⁵⁹

⁵¹ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

⁵² Acts 1838-39 (general), ch. 14, secs. 14, 15. Acts 1840-41 (general), ch. 1, secs. 13, 18. 1 Rev. Stat. 1852, ch. 6, sec. 91; ch. 35, sec. 2. Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278. Acts 1877, ch. 89, sec. 1. Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

⁵³ Acts 1908 (Spec. Sess.), ch. 2, sec. 5. Acts 1911, ch. 7, sec. 5. *Kunkle v. Coleman* (1910), 174 Ind. 315, 92 N. E. 61.

⁵⁴ Acts 1933, ch. 36, secs. 2, 9, 12 (all repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

⁵⁵ Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Rev. Stat. 1838, ch. 21, sec. 6.

⁵⁶ Acts 1817-18 (general), ch. 42, sec. 12. Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8. Acts 1838-39 (general), ch. 14, secs. 14, 15.

⁵⁷ Acts 1873, ch. 25, sec. 2. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. State ex rel. Nebecker v. Sutton (1884), 99 Ind. 300; State ex rel. Laughlin v. Porter (1888), 113 Ind. 79, 14 N. E. 883; State ex rel. Williams v. Edwards (1888), 114 Ind. 581, 16 N. E. 627; State ex rel. Drummond v. Dillon (1890), 125 Ind. 65, 25 N. E. 136; State ex rel. Morris v. McFarland (1898), 149 Ind. 266, 49 N. E. 5.

⁵⁸ Acts 1881 (Spec. Sess.); Burns 4-3103; Baldwin 1261.

⁵⁹ Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

When an election is held to change the boundaries of counties, the clerk of the circuit court of each of the affected counties makes out certified copies of the election returns and files them in the office of the auditor of each of such counties. The auditor and board of commissioners in each county then examine the returns, and if the proposed change of boundaries was carried at the election, the auditor enters an order to that effect in the order book of the board of commissioners.⁶⁰ The auditor makes a certificate of tax levies for the purpose of raising funds from the detached territory to pay the debts of the county from which it was detached.⁶¹

Under former laws the auditor delivered to the clerk of the circuit court the various papers involved in election contests heard by the board of commissioners, together with a transcript of the proceedings of the board;⁶² he prepared blank forms of poll books and election returns, and delivered them to the inspectors of the election precincts;⁶³ after registration was required, he delivered the election supplies to the registration inspector of each precinct;⁶⁴ he kept the completed registration books and forms in his office, open to public inspection;⁶⁵ and he filed in his office petitions for elections under the local option liquor laws.⁶⁶

Certified copies of the official oaths of all officers appointed by the board of commissioners, together with certified copies of oaths of such township officers (except justices and constables) as required by the board, are filed with the auditor.⁶⁷ When a bond is required of such officers, it also is filed with the auditor.⁶⁸ The board of commissioners meets in the office of the auditor, at any time without notice or precept, for the purpose of approving official bonds which are required to be approved by the board.⁶⁹ The official bond of the county assessor is approved by and filed with the audi-

⁶⁰ Acts 1875; Burns 26-201; Baldwin 5032.

⁶¹ Acts 1875; Burns 26-204, 26-205; Baldwin 5035, 5036.

⁶² Acts 1816-17, ch. 9, sec. 22. Rev. Laws 1831, ch. 33, secs. 8, 9. Rev. Stat. 1843, ch. 5, sec. 103.

⁶³ Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

⁶⁴ Acts 1911, ch. 150, sec. 5 (repealed by Acts 1913, ch. 185, sec. 25).

⁶⁵ Acts 1911, ch. 150, sec. 13 (repealed by Acts 1913, ch. 185, sec. 25).

⁶⁶ Acts 1908 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5.

⁶⁷ Rev. Stat. 1843, ch. 4, sec. 84. 1 Rev. Stat. 1852; Burns 49-104; Baldwin 13057.

⁶⁸ Rev. Stat. 1843, ch. 4, secs. 88, 89, 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13058.

⁶⁹ Acts 1851-52; Burns 49-123; Baldwin 13093.

tor; and the assessor's official oath is administered by the auditor and endorsed on said bond.⁷⁰ The official bonds of all township trustees are approved by the auditor.⁷¹

The auditor and his deputies are authorized to administer all oaths necessary in the performance of their duties.⁷²

Formerly petitions to have the surveyor removed from office were filed with the auditor for presentment to the board of commissioners.⁷³

Once every six years the township trustees and their assistants enumerate all white male inhabitants of the state over 21 years old.⁷⁴ Books and blanks, together with copies of the law requiring such enumerations, are furnished to the township trustees by the auditor.⁷⁵ The trustees' returns are filed in the office of the auditor.⁷⁶ The auditor examines the returns and, by orders recorded in a separate book, corrects any errors, mistakes, or omissions discovered. For this purpose he may subpoena and question witnesses.⁷⁷ The auditor then certifies the corrected enumerations to the auditor of state.⁷⁸ Likewise there is an enumeration of colored male inhabitants. Separate lists are made; one is designated "white male inhabitants", and the other, "colored male inhabitants."⁷⁹

In each township having a population not exceeding 5,000 (all townships except Boon), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee performing the duties prescribed by statutes for township assessors.⁸⁰

⁷⁰ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁷¹ Acts 1859, 1889; Burns 65-102; Baldwin 16060. Acts 1915; Burns 65-103; Baldwin 16061.
Copeland v. State ex rel. Davis (1890), 126 Ind. 51, 25 N. E. 866.

⁷² 1 Rev. Stat. 1852; Burns 49-3013; Baldwin 5427.

⁷³ Rev. Stat. 1843, ch. 10, sec. 4.

⁷⁴ Acts 1853, ch. 41, secs. 1, 2. Acts 1865 (Spec. Sess.); Burns 65-601 to 65-605; Baldwin 7490 to 7494.

⁷⁵ Acts 1844-45 (general), ch. 29, sec. 2. Acts 1853, ch. 41, sec. 2. Acts 1865 (Spec. Sess.); Burns 65-614; Baldwin 7503.

⁷⁶ Acts 1844-45 (general), ch. 29, sec. 3. Acts 1865 (Spec. Sess.); Burns 65-603; Baldwin 7492.

⁷⁷ Acts 1865 (Spec. Sess.); Burns 65-610; Baldwin 7499.

⁷⁸ Acts 1844-45 (general), ch. 29, sec. 5. Acts 1853, ch. 41, sec. 3. Acts 1865 (Spec. Sess.); Burns 65-611; Baldwin 7500.

⁷⁹ Acts 1877; Burns 65-619, 65-620; Baldwin 7509, 7510.

⁸⁰ Acts 1933; Burns 64-1031; Baldwin 15664.

Each township assessor annually prepares lists of all persons in his township who are deaf, dumb, blind, idiotic, or insane, and delivers the lists to the auditor, who reports them to the state department of public welfare.⁸¹

Formerly the township assessors were required to enumerate the families of soldiers, seamen, and marines in active service, and of those who died or were disabled in active service, and deliver the lists to the auditor.⁸² Formerly township trustees made enumerations of children between the ages of five and 21 years and delivered the returns to the auditor, who delivered them to the state superintendent of public instruction.⁸³

The auditor keeps an account with each township showing expenditures and tax levies for poor relief, keeps reports of public welfare officials, and keeps records of county welfare funds.⁸⁴

Formerly the auditor, as clerk of the old-age pension board, issued certificates to applicants approved by the board, and delivered duplicates thereof to the auditor of state.⁸⁵

Articles of incorporation of humane societies are filed with the auditor and form the basis for the distribution of humane funds on warrants drawn by him.⁸⁶

Scalps of woodchucks, heads of owls, hawks, and crows, and eggs of crows are presented to the auditor with the statutory affidavits for the purpose of obtaining bounties thereon.⁸⁷

The auditor compiles budget estimates made by the county officers and boards; keeps them on file for one month, subject

⁸¹ Acts 1849-50 (general), ch. 17, sec. 4. Acts 1859, ch. 7, secs. 1, 2. Acts 1891, ch. 99, sec. 54. Acts 1919; Burns 64-607; Baldwin 15575.

The foregoing laws require the report to be made to the state board of charities. In 1936 the duties of that board were transferred to the state department of public welfare. Acts 1936 (Spec. Sess.), ch. 3, sec. 11.

⁸² Acts 1865, ch. 40, secs. 2, 3, 5. Acts 1923, ch. 4, sec. 1.

⁸³ Rev. Stat. 1843, ch. 15, sec. 25. Acts 1846-47 (general), ch. 94, sec. 2. Acts 1855, ch. 86, sec. 26.

⁸⁴ Acts 1895, ch. 120, sec. 2. Acts 1897, ch. 151, sec. 1 (repealed by Acts 1901, ch. 147, sec. 39). Acts 1901, ch. 147, secs. 11, 12, 19, 20 (all repealed by Acts 1935, ch. 116, sec. 38). Acts 1907, ch. 161, sec. 1 (repealed by Acts 1935, ch. 116, sec. 38). Acts 1935; Burns, 1939 suppl., 52-158; Baldwin, 1935 suppl., 13320-15. Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1402; Baldwin, 1937 suppl., 14078-114.

⁸⁵ Acts 1933, ch. 36, sec. 12 (repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

⁸⁶ Acts 1913; Burns 9-2504, 9-2505; Baldwin 3805, 3806.

⁸⁷ Acts 1883; Burns 26-1102; Baldwin 5289. Acts 1911; Burns 26-1103; Baldwin 3802.

to inspection by any taxpayer; and submits them with his recommendations to the county council at its annual meeting.⁸⁸

The clerk of the circuit court, treasurer, sheriff, and recorder must make reports of fees to the auditor quarterly and at the expiration of their terms of office. The treasurer also makes a monthly report of fees to the auditor.⁸⁹ The clerk of the circuit court annually delivers to the auditor a list of all fines and jury fees collected during the preceding year, and also a list of all fees in his hands which have remained unclaimed for two years, and the auditor enters such lists on the order book of the board of commissioners and issues a quietus for the items of such lists which have been paid over to the treasurer.⁹⁰

The auditor furnishes all county officials with books, stationery, and blanks required in doing the public business pertaining to the auditor's office.⁹¹

Specifications, bids, and contracts for materials and supplies required for county officials for the ensuing year are placed on file and kept in the auditor's office where they are open to public inspection.⁹²

When the county borrows money, the bonds or notes are executed by the county commissioners and are attested, advertised, and sold by the auditor. Printed copies of the ordinance authorizing the bond issue, together with specifications describing the bonds, are kept on file in the auditor's office, open to public inspection.⁹³ If the amount of a bond issue exceeds \$5,000, and if 10 taxpayers file objections with the auditor, the objections will be certified by the auditor to the state board of tax commissioners for hearing and disposition.⁹⁴ Contracts for extension of time for payment of county or township bonds by issuance of "redemption bonds" are executed by the county commissioners

⁸⁸ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

⁸⁹ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. Acts 1919; Burns 64-2101; Baldwin 15802.

⁹⁰ Acts 1841-42 (general), ch. 45, sec. 3. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

⁹¹ Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434.

⁹² Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

⁹³ Acts 1899, 1921; Burns 26-540; Baldwin 5405.

⁹⁴ Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

and attested by the auditor, and one executed copy is kept by the auditor; and the auditor keeps a record of redemption bonds issued in pursuance of such contract.⁹⁵

The auditor, as relator, may sue, in the name of the state, to recover money owing to the county;⁹⁶ and the auditor may compromise the suits brought by him and receive the money agreed to be paid.⁹⁷

The auditor of state prepares maps or plats of the lands belonging to the state and located in the county, known as the swamp and indemnity lands, saline lands, and the lands escheated or forfeited to the state, and delivers them to the county auditor, who causes an appraisal thereof, registers the lands in a book kept for that purpose, and records the sales of such lands.⁹⁸

The auditor prepares the ditch duplicate showing special assessments against lands for construction or repair of ditches and drains.⁹⁹ Assessments for flood gates¹⁰⁰ and for the cutting or eradicating of Canada thistles¹⁰¹ are placed on the tax duplicate by him. Formerly petitions for drainage and levee improvements were filed with the auditor, and he gave notice to viewers and kept a record of all proceedings concerning such improvements.¹⁰²

The board doing county business has always had power to

⁹⁵ Acts 1933; Burns 26 1015 to 26-1017; Baldwin 5353 to 5355.

⁹⁶ 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. *Rogers v. Gibson* (1860), 15 Ind. 218; *Scotten v. State ex rel. Simonton* (1875), 51 Ind. 52; *Yater v. State ex rel. Board of County Comrs.* (1877), 58 Ind. 299; *Hostetler v. State ex rel. Dean* (1878), 62 Ind. 183; *Vanarsdall v. State ex rel. Watson* (1879), 65 Ind. 176; *Gauntt v. State ex rel. Stout* (1881), 81 Ind. 137; *Heagy v. State ex rel. Forkner* (1882), 85 Ind. 260; *Demarest v. Holdeman* (1901), 157 Ind. 467, 62 N. E. 17.

⁹⁷ *Cabel v. McCafferty* (1876), 53 Ind. 75; *Vigo Twp. v. Board of County Comrs.* (1887), 111 Ind. 170, 12 N. E. 305.

⁹⁸ 1 Rev Stat. 1852, ch. 104, sec. 13. Acts 1855, ch. 85, secs. 1, 4. Acts 1883, ch. 124, sec. 2. Acts 1889; Burns 62-206 to 62-209; Baldwin 15272 to 15275.

⁹⁹ Acts 1881 (Spec. Sess.), ch. 43, sec. 5 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1933; Burns 27-134; Baldwin 5770. *Storms v. Stevens* (1885), 104 Ind. 46, 3 N. E. 401; *Lockwood v. Ferguson* (1886), 105 Ind. 380, 5 N. E. 3; *Board of County Comrs. v. Fahlor* (1888), 114 Ind. 15 N. E. 830.

¹⁰⁰ Acts 1903; Burns 27-703; Baldwin 5841.

¹⁰¹ Acts 1929, 1937; Burns, 1939 suppl., 15-904; Baldwin, 1937 suppl., 3719.

¹⁰² Acts 1881 (Spec. Sess.), ch. 44, sec. 2 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1891, ch. 196, secs. 2, 24. Acts 1897, ch. 138, secs. 1, 4. *Simonton v. Hays* (1882), 88 Ind. 70; *Vizzard v. Taylor* (1884), 97 Ind. 90; *White v. Fleming* (1888), 114 Ind. 560, 16 N. E. 487; *Cooper v. Ray* (1897), 148 Ind. 328, 47 N. E. 668.

establish, construct, repair, and vacate county roads.¹⁰³ The auditor, being clerk of said board, has, accordingly, kept a record of road proceedings.¹⁰⁴ Road petitions are filed with the auditor for presentment to the board of commissioners.¹⁰⁵ When road viewers are appointed by the board, the auditor notifies the viewers and the county surveyor of their appointment and the time and place for their meeting.¹⁰⁶ Reports of road viewers are filed with the auditor, and the auditor enters road assessments on the tax duplicate or special assessment roll.¹⁰⁷ The highway supervisor files with the auditor requisitions (on forms prescribed by the state board of accounts) for all tools, implements, supplies, materials, and equipment needed for county roads.¹⁰⁸ Formerly the auditor annually delivered to the road supervisor a list of landowners of the county,¹⁰⁹ and annually delivered to each township trustee a list of all road taxes assessed against each individual in the township.¹¹⁰

Petitions for condemnation of schoolhouses, as unfit for use for school purposes, are filed with the auditor. The auditor mails and publishes notices of hearings, and calls special joint sessions of the board of commissioners and county council to hold hearings on such petitions.¹¹¹

Formerly every fire insurance company doing business in

¹⁰³ Acts 1807, ch. 44, secs. 1-24. Acts 1811, ch. 29, secs. 1, 2. Acts 1815, ch. 5, secs. 1-20. Acts 1816-17, ch. 8, secs. 1, 4-8, 10, 11, 15, 22. Acts 1817-18 (general), ch. 43, secs. 1, 23. Acts 1818-19, ch. 11, secs. 2, 7, 11, 12. Acts 1819-20, ch. 55, secs. 31, 33. Rev. Laws 1824, ch. 87, secs. 1, 4-7, 9, 12, 15, 24, 25. Rev. Laws 1831, ch. 20, sec. 22; ch. 82, secs. 1, 4, 6, 12, 14, 28, 47. 1 Rev. Stat. 1852, ch. 48. Acts 1881 (Spec. Sess.), chs. 61-64. Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

¹⁰⁴ Acts 1921; Burns 36-1451; Baldwin 8954. Acts 1905; Burns 36-1222; Baldwin 8823.

¹⁰⁵ Acts 1919, 1921; Burns 36-304; Baldwin 8862.

¹⁰⁶ Acts 1895, ch. 11, sec. 1. Acts 1905, 1907; Burns 36-1301; Baldwin 8787. Turpin v. Eagle Creek & L. W. L. G. R. Co. (1874), 48 Ind. 45.

¹⁰⁷ Acts 1869 (Spec. Sess.), ch. 35, sec. 3 (repealed by Acts 1929, ch. 215, sec. 73). Acts 1877, ch. 46, sec. 3. Acts 1905, 1907; Burns 36-1301, 36-1305; Baldwin 8787, 8791. Acts 1921; Burns 36-1412; Baldwin 8915. Florer v. McAfee (1893), 135 Ind. 540, 35 N. E. 277; Smyth v. State ex rel. Braun (1907), 158 Ind. 332, 62 N. E. 449.

¹⁰⁸ Acts 1935; Burns, 1939 suppl., 36-1114; Baldwin, 1935 suppl., 8703-1.

¹⁰⁹ Rev. Stat. 1843, ch. 16, sec. 105.

¹¹⁰ Acts 1883, ch. 56, sec. 20.

¹¹¹ Acts 1931; Burns 28-3002 to 28-3004; Baldwin 6144 to 6146.

Indiana, not organized under Indiana laws, was required to make semiannual reports to the county auditor showing premiums received by the company for fire insurance on property in the county, and showing all losses paid by the company for the last semiannual period.¹¹² Formerly financial statements of banks were filed with the auditor.¹¹³

The auditor certifies to the city officials the number of taxable polls therein,¹¹⁴ adds omitted polls to the tax duplicate,¹¹⁵ and certifies to the treasurer the amount of excise tax due from financial institutions.¹¹⁶ For excise tax purposes, financial institutions deliver to the auditor each month a statement showing the number of its shares, amount of deposits, and kindred information.¹¹⁷ Inheritance taxes collected by the county treasurer are transmitted to the state treasurer by warrants drawn by the auditor.¹¹⁸ The auditor is authorized to examine the records of the recorder and clerk of the circuit court to ascertain whether all persons have paid intangible taxes; and for this purpose may interrogate any person under oath and examine private records of such person.¹¹⁹

The excise tax on dogs and dog kennels is administered by the township assessors and the county auditor. After making assessment of personal property for property taxes, each township assessor makes inquiry concerning dogs and kennels, and collects the excise tax thereon for the ensuing year, and issues licenses and receipts. The auditor collects the tax and issues licenses and receipts if the township assessor fails to do so.¹²⁰ The money so collected constitutes a fund known as the "dog fund", and is used to pay damage to livestock caused by dogs. Dog funds exceeding \$100, over and above all warrants drawn on the same, in any township on the

¹¹² Acts 1891, ch. 192, sec. 1. On June 16, 1893 this act was held unconstitutional. *Henderson v. London & Lancashire Ins. Co.* (1893), 135 Ind. 23, 34 N. E. 565.

¹¹³ Acts 1905, ch. 56, sec. 2 (repealed by Acts 1907, ch. 281, sec. 6).

¹¹⁴ Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

¹¹⁵ Acts 1919; Burns 64-2102; Baldwin 15803.

¹¹⁶ Acts 1933; Burns 64-810; Baldwin 15591.

¹¹⁷ Acts 1933, 1935; Burns, 1939 suppl., 64-807; Baldwin, 1935 suppl., 15589.

¹¹⁸ Acts 1931; Burns 6-2414; Baldwin 15952.

¹¹⁹ Acts 1933; Burns 64-917; Baldwin 15915.

¹²⁰ Acts 1897, ch. 119; Acts 1925, ch. 144 (repealed by Acts 1927, ch. 176, sec. 14). Acts 1927, ch. 176 (repealed by Acts 1937, ch. 133, sec. 16). Acts 1923; Burns 16-301, 16-302; Baldwin 3826, 3827. Acts 1937; Burns, 1939 suppl., 16-317; Baldwin, 1937 suppl., 3811-1.

first Monday in March, are transferred by the auditor on the following Monday to townships in which the dog fund is less than the warrants drawn thereon.¹²¹

The auditor issues licenses for peddlers, shows, theaters,¹²² and transient merchants,¹²³ and permits for public warehouses.¹²⁴ Formerly he issued liquor licenses,¹²⁵ and received and filed remonstrances against issuance of saloon licenses by the board of commissioners.¹²⁶

The auditor takes a very important part in the administration of the property tax laws. Annually the township assessors file with the auditor all returns of real and personal property made by them, together with all assessment lists, schedules, statements, maps, and other books and papers used by them in making such returns; and the county assessor obtains the same from the auditor to perform the county assessor's duties, but returns them to the auditor for permanent filing.¹²⁷ If a taxpayer refuses to make a personal property tax return or an oath required by law, the township assessor makes a note of such refusal, and the auditor adds 50 percent to the personal property valuation returned by the assessor.¹²⁸ If a landowner fails to furnish a list of lands within five days after a township assessor has so requested, the township assessor may make a list according to the best information he can obtain, and the auditor must add 25 percent to the

¹²¹ Acts 1925, ch. 144, secs. 11-13 (all repealed by Acts 1927, ch. 176, sec. 14). Acts 1927, ch. 176, secs. 8-12 (all repealed by Acts 1937, ch. 133, sec. 16). Acts 1937; Burns, 1939 suppl., 16-324 to 16-326; Baldwin, 1937 suppl., 3811-8 to 3811-10.

¹²² ¹ Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1917, 1937; Burns, 1939 suppl., 42-201; Baldwin, 1937 suppl., 10443. Acts 1901; Burns 42-502, 42-503; Baldwin 10470, 10471. Acts 1895; Burns 42-510; Baldwin 10478.

¹²³ Acts 1901; Burns 42-402; Baldwin 10491. The auditor keeps a record of such licenses in a book provided for that purpose, and it is open for public inspection. *Ibid.*

¹²⁴ Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

¹²⁵ Acts 1853, ch. 66, sec. 3 (repealed by Acts 1855, ch. 106, secs. 1, 2). Acts 1855, ch. 105, sec. 4 (repealed by Acts 1858 (Spec. Sess.), ch. 15). Acts 1873, ch. 59, sec. 2. Padgett v. State (1884), 93 Ind. 396.

¹²⁶ Acts 1905, ch. 6, sec. 1.

¹²⁷ Rev. Stat. 1843, ch. 12, secs. 28, 41. Acts 1850-51 (general), ch. 5, secs. 12, 19; ch. 9, secs. 5, 8. Acts 1858 (Spec. Sess.), ch. 2, sec. 20. Acts 1891, ch. 99, secs. 101, 105. Acts 1919; Burns 64-1023, 64-1029, 64-1102; Baldwin 15689, 15694, 15698. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹²⁸ Acts 1919; Burns 64-610; Baldwin 15578.

valuation of the lands listed by the assessor.¹²⁹ The auditor assesses omitted property, after giving notice to the taxpayer.¹³⁰ For the purpose of the listing and assessment of omitted property, the auditor may, on filing proper affidavit in the circuit court and obtaining a writ directed to the sheriff, inspect the books and papers of taxpayers.¹³¹ Acting for the county board of review, he gives notice to taxpayers in order that the board may assess omitted property or raise valuations.¹³² Appeals from the county board of review to the state board of tax commissioners are usually heard in the office of the auditor.¹³³ Formerly the auditor annually notified all township assessors to meet in the auditor's office to agree on a uniform rate of assessment.¹³⁴ Formerly railroad companies annually filed with the auditor, for taxation purposes, complete inventories of assets.¹³⁵

The auditor annually makes out and delivers to the township assessors lists of lands entered on the tax duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of land not previously entered for taxation. The auditor makes plats of the several townships showing ownership, improvements, and assessed valuation of the parcels therein. The township assessors write on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept

¹²⁹ Acts 1919; Burns 64-1008; Baldwin 15674.

¹³⁰ Acts 1840-41 (general), ch. 1, sec. 9. Acts 1889, ch. 183, sec. 1. Acts 1919; Burns 64-1402; Baldwin 15739. *Scott v. Knightstown* (1882), 84 Ind. 108; *Lang v. Clapp* (1885), 103 Ind. 17, 2 N. E. 197; *Vandercook v. Williams* (1885), 106 Ind. 345, 1 N. E. 619; *Williams v. Segur* (1885), 106 Ind. 368, 1 N. E. 707; *McKeen v. Haskell* (1886), 108 Ind. 97, 8 N. E. 901; *Board of County Comrs. v. Senn* (1889), 117 Ind. 410, 20 N. E. 276; *Florer v. Sherwood* (1891), 128 Ind. 495, 28 N. E. 71; *Hennel v. Board of County Comrs.* (1892), 132 Ind. 32, 31 N. E. 462; *Florer v. Sheridan* (1894), 137 Ind. 28, 36 N. E. 365; *Cummings v. Stark* (1893), 138 Ind. 94, 34 N. E. 444; *Thiebaud v. Tait* (1894), 138 Ind. 238, 36 N. E. 525; *Eaton v. Union County Nat. Bank* (1895), 141 Ind. 136, 40 N. E. 668; *Buck v. Miller* (1896), 147 Ind. 586, 45 N. E. 647; *Miller v. Vollmer* (1899), 153 Ind. 26, 53 N. E. 949; *Crowder v. Riggs* (1899), 153 Ind. 158, 53 N. E. 1019; *Parkison v. Thompson* (1905), 164 Ind. 609, 73 N. E. 100; *Darnell v. State* (1910), 174 Ind. 143, 90 N. E. 769.

¹³¹ Acts 1891, ch. 99, sec. 34. Acts 1919; Burns 64-1026; Baldwin 15549.

¹³² Acts 1919, 1920; (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹³³ Acts 1919, 1935; Burns, 1939 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

¹³⁴ Acts 1889, ch. 108, sec. 1 (repealed by Acts 1891, ch. 99, sec. 259).

¹³⁵ Acts 1891, ch. 99, sec. 83.

up with all current transactions and transfers.¹³⁶ The auditor keeps a record of all lands classified by the state forester as "forest plantations" or "native forest lands" to obtain special rules or rates for tax assessments.¹³⁷

For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered. No such conveyance can be recorded by the recorder until after the instrument has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.¹³⁸ On the death of a landowner, the heir or devisee may have the auditor make an entry on the tax duplicate to show the change of ownership.¹³⁹ The auditor corrects on the tax books any errors as to description of property and names of owners.¹⁴⁰

Forms and instructions for taxation purposes are prescribed by the state board of tax commissioners and delivered to the auditor.¹⁴¹ The auditor furnishes the township assessors with all necessary books and blanks for their use in making assessment of real and personal property.¹⁴² If a township assessor assesses real estate or improvements found omitted, he makes a return thereof to the auditor as of the year when the same should have been first assessed.¹⁴³ The auditor makes assessment of any newly-platted land additions to any city or town.¹⁴⁴

¹³⁶ Acts 1840-41 (general), ch. 1, sec. 4; ch. 2, sec. 12. Acts 1841-42, ch. 60, sec. 4. Rev. Stat. 1843, ch. 12, sec. 27. Acts 1858 (Spec. Sess.), ch. 2, sec. 5. Acts 1891, ch. 99, sec. 93. Acts 1919, 1937; Burns, 1939 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

¹³⁷ Acts 1899, ch. 256, sec. 9. Acts 1921; Burns 32-304, 32-306; Baldwin 15517-4, 15517-6.

¹³⁸ Acts 1881 (Spec. Sess.), ch. 96, sec. 154. 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

¹³⁹ Acts 1921; Burns 64-519; Baldwin 14777.

¹⁴⁰ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

¹⁴¹ Acts 1919; Burns 64-2803; Baldwin 15866.

¹⁴² Acts 1858 (Spec. Sess.), ch. 2, sec. 23. Acts 1891, ch. 99, secs. 53, 101. Acts 1903, ch. 29, sec. 32. Acts 1899; Burns 26-543; Baldwin 5408. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434. Acts 1919; Burns 64-1007, 64-1016; Baldwin 15672, 15682.

¹⁴³ Acts 1840-41 (general), ch. 2, sec. 12. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

¹⁴⁴ Acts 1919; Burns 64-1027; Baldwin 15691.

The auditor certifies as to the required number of signers of petitions filed by groups of taxpayers with the state board of tax commissioners to obtain a re-assessment of real estate.¹⁴⁵

Sworn statements to obtain mortgage exemptions on assessment of real estate are filed with the auditor.¹⁴⁶ Sworn statements of volunteer firemen¹⁴⁷ and disabled veterans¹⁴⁸ are also filed with the auditor to obtain tax exemptions. Applications for tax exemptions for educational, charitable, religious, fraternal, literary, and scientific organizations are filed with the auditor, who refers them to the board of review for approval.¹⁴⁹

Annually the auditor apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.¹⁵⁰ After the county council, at its annual meeting, adopts a budget, establishes a tax rate, and makes tax levies for the succeeding calendar year, the auditor schedules the rates for the several municipal corporations in the county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.¹⁵¹ The decisions of the state board of tax commissioners on an appeal from the county council's action in adopting budgets and tax levies is certified to the auditor and he certifies it to the taxing units interested therein.¹⁵²

Annually each municipal corporation of the county files with the auditor a statement of tax levies and rates for the ensuing year, fixed by such municipal corporations, and copies

¹⁴⁵ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1939 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685(a).

¹⁴⁶ Acts 1899, ch. 190, secs. 2, 3. Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567.

¹⁴⁷ 1 Rev. Stat. 1852, ch. 41, sec. 3. Acts 1933, ch. 91, sec. 1. Acts 1935, ch. 302, sec. 1. Acts 1939; Burns, 1939 suppl., 48-6161; Baldwin, 1939 suppl., 12653-1.

¹⁴⁸ Acts 1927; Burns 64-206; Baldwin, 10987.

¹⁴⁹ Acts 1937; Burns, 1939 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

¹⁵⁰ Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

¹⁵¹ Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁵² Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

of the budgets on which such levies are based.¹⁵³ At the annual meeting of the board of tax adjustment, the auditor lays before the board these budgets, tax levies, and rates.¹⁵⁴ If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the tax levies and rates within the statutory limits, the auditor calculates and fixes the rates and certifies his action to each municipal corporation.¹⁵⁵ The decision of the state board of tax commissioners on an appeal from the action of the board of tax adjustment is certified to the auditor.¹⁵⁶

The auditor certifies to the state board of tax commissioners all emergency appropriations made by the county council, together with the tax levies based thereon.¹⁵⁷

After the assessment, budgets, tax rates, and tax levies have been made, the auditor makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate, and a complete tax abstract of all property listed in each township, city, and town. He keeps a copy of the abstract in his office, and delivers another copy thereof to the auditor of state.¹⁵⁸ Semiannually the county auditor delivers to the county treasurer and to the treasurer of each city, town, and township in the county, a complete list of all persons reported as delinquent in the payment of taxes, as shown by the tax duplicate.¹⁵⁹ Formerly a separate list of delinquent taxes was delivered by the county auditor to the auditor of state, but now, and for many years past, the only lists so delivered are those that are set forth in the tax abstract.¹⁶⁰

¹⁵³ Acts 1933; Burns 64-302; Baldwin 15893. Acts 1937; Burns, 1939 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

¹⁵⁴ Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁵⁵ Acts 1937; Burns, 1939 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

¹⁵⁶ Acts 1937; Burns, 1939 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

¹⁵⁷ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1939 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁵⁸ Acts 1840-41 (general), ch. 1, secs. 12, 14; ch. 2, secs. 17, 22. Rev. Stat. 1843, ch. 12, secs. 44, 50, 51, 133. Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745. Standard Oil Co. v. Bretz (1884), 98 Ind. 231; Adams v. Davis (1886), 109 Ind. 10, 9 N. E. 162; Smith v. Smith (1902), 159 Ind. 388, 65 N. E. 183.

¹⁵⁹ Rev. Stat. 1843, ch. 12, sec. 68. Acts 1911, ch. 134, sec. 1. Acts 1919; Burns 64-1505; Baldwin 15767.

¹⁶⁰ Rev. Stat. 1843, ch. 12, sec. 68. Interview of June 29, 1939 with Frank G. Thompson, state auditor.

The auditor annually prepares and records in a book, provided for that purpose, a list of lands delinquent for taxes, charges interest and a penalty of 10 percent thereto, publishes and posts the list with a notice of tax sale, includes a copy of the notice in his record, and certifies on his record the time and manner of such publication and posting.¹⁶¹ The auditor, in person or by deputy, attends the treasurer's tax sales of delinquent lands, keeps a record of the sales, and issues certificates to the purchasers.¹⁶² The auditor acts as arbiter in case of partial redemption of land from tax sale.¹⁶³ When lands are redeemed from tax sale, he issues a certificate of redemption and keeps a record of all redemptions.¹⁶⁴ The auditor executes all tax deeds of land, and keeps a record thereof.¹⁶⁵ He issues a warrant for a refund to persons paying illegal or erroneous taxes and also to purchasers at void tax sales.¹⁶⁶ Annually a list of lands offered at tax sale three years successively, on which there was no bid equal to the amount of taxes due thereon, is prepared by the treasurer, certified by the auditor, and delivered to the prosecuting attorney.¹⁶⁷

The state's share of taxes collected by the county treasurer is disbursed to the proper state officers on warrants drawn by the auditor on the county treasury.¹⁶⁸

The auditor manages the common school and Congressional

¹⁶¹ Acts 1840-41 (general), ch. 2, secs. 26, 28-30. Acts 1879 (Spec. Sess.), ch. 96, sec. 3. Acts 1883, ch. 76, sec. 1. Acts 1919; Burns 64-2201; Baldwin 15806. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807. Abbott v. Edgerton (1876), 53 Ind. 196; Strope v. Board of County Comrs. (1880), 72 Ind. 42.

¹⁶² Acts 1840-41 (general), ch. 2, secs. 33, 34. Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. 1 Rev. Stat. 1852, ch. 6, sec. 177. Acts 1919; Burns 64-2209, 64-2210; Baldwin 15816, 15817. Gable v. Seiben (1894), 137 Ind. 155, 36 N. E. 844.

¹⁶³ Acts 1919; Burns 64-2308; Baldwin 15826.

¹⁶⁴ Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. Acts 1919; Burns 64-2313; Baldwin 15831.

¹⁶⁵ Acts 1840-41 (general), ch. 2, secs. 37, 44. Acts 1919; Burns 64-2404 to 2409; Baldwin 15833 to 15838. Reid v. State ex rel. Thompson (1881), 74 Ind. 252; Smith v. Kyler (1881), 74 Ind. 576; Woolen v. Rockafeller (1881), 81 Ind. 208; Lancaster v. De Hadway (1884), 97 Ind. 565; Rowe v. Peabody (1885), 102 Ind. 198, 1 N. E. 353.

¹⁶⁶ Acts 1919; Burns 64-1407, 64-2411, 64-2819; Baldwin 15744, 15840, 15881. Wolfe v. State ex rel. Kennard (1883), 90 Ind. 16.

¹⁶⁷ Acts 1881 (Spec. Sess.), ch. 96, sec. 222. Acts 1919; Burns 64-1518; Baldwin 15772.

¹⁶⁸ Acts 1877, ch. 90, sec. 1. Acts 1907, 1911; Burns 61-620; Baldwin 13824 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

township school funds,¹⁶⁹ with the exception of making loans. The school fund board, composed of the auditor, clerk of the circuit court, and another person appointed by the judge of the circuit court, now makes all the loans from the school funds.¹⁷⁰ Whenever a school township is divided by a county line, the auditor makes all adjustments of land, accounts, and distribution of pupils.¹⁷¹ If no election is held for the purpose, the auditor conducts the sale of school lands,¹⁷² also resales of forfeited lands.¹⁷³ He makes the same entries of record required by law for loans to private individuals when the county borrows from the surplus funds.¹⁷⁴ Once each quarter, the auditor publishes in a local newspaper the amount of school funds unloaned.¹⁷⁵

A certificate must be filed with the auditor showing that there is no encumbrance or lien on land offered as security for a loan of school funds.¹⁷⁶ The auditor specifies in the mortgage whether it belongs to the common school fund or to the Congressional township fund, and, if the latter, the particular township or townships whose funds are loaned.¹⁷⁷ Payments are made to the treasurer, and his receipt is filed with the auditor who gives the payer a quietus therefor, and makes the proper entries of record.¹⁷⁸ The auditor issues a quit-claim deed whenever there is a defect in the title of the owner of land in a school section resulting from destruction of public records.¹⁷⁹ He enforces the collection of defaulted payments.¹⁸⁰ Whenever the auditor is unable to sell lands

¹⁶⁹ Acts 1855, ch. 86, sec. 155. Acts 1861, ch. 41, secs. 122, 160. Acts 1865, 1907; Burns 28-101, 28-102, 28-105; Baldwin 6499, 6500, 6511.

¹⁷⁰ Rev. Stat. 1843, ch. 13, sec. 45. Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

¹⁷¹ Acts 1877 (Spec. Sess.); Burns 28-111 to 28-114; Baldwin 6518 to 6520, 6510.

¹⁷² Acts 1865, 1875; Burns 28-122 to 28-124; Baldwin 6553, 6528, 6529.

¹⁷³ Acts 1863, 1865; Burns 28-125, 28-126, 28-129 to 28-133, 28-135 to 28-137, 28-140 to 28-143, 28-145, 28-146; Baldwin 6530, 6531, 6538, 6539, 6534, 6535, 6540, 6542 to 6544, 6547 to 6550, 6552, 6554.

¹⁷⁴ Acts 1901; Burns 28-201 to 28-206; Baldwin 6568 to 6573.

¹⁷⁵ Acts 1883, ch. 58. Acts 1899, ch. 95. Acts 1907; Burns 28-207, 28-208; Baldwin 6556, 6557. Board of County Comrs. v. Leslie (1878), 63 Ind. 492.

¹⁷⁶ Acts 1881 (Spec. Sess.); Burns 28-210; Baldwin 6580.

¹⁷⁷ Acts 1865; Burns 28-230 to 28-232; Baldwin 6587 to 6589.

¹⁷⁸ Acts 1865, 1901; Burns 28-235 to 28-237; Baldwin 6592, 6593, 6610.

¹⁷⁹ Acts 1915; Burns 28-239; Baldwin 5435.

¹⁸⁰ Rev. Stat. 1843, ch. 13, sec. 96. Acts 1855, ch. 86, sec. 86. Acts 1865, 1885 (Spec. Sess.), 1889, 1933; Burns 28-240 to 28-244, 28-246 to 28-249; Baldwin 6586, 6585, 6595 to 6597, 6599

acquired through default, the county must pay the loan, accept the land, and take possession thereof.¹⁸¹

The auditor makes an annual report to the board of commissioners showing the condition and activity of the school funds. The board examines the report, makes a written report of such examination, enters it of record, and transmits copies to the state superintendent of public instruction.¹⁸² Where the whole or part of the school funds of the county have been loaned, the auditor apportions to each Congressional township a sufficient number of mortgages to cover the principal of its Congressional township fund.¹⁸³ A miscellaneous school fund account may be created by the auditor to enable him to aggregate small sums from school funds for one loan. He shows in his report the distribution of funds in full, and is liable to suit on his official bond for any failure to do so.¹⁸⁴

The auditor keeps records of all financial transactions of the county. He keeps fee books, cashbooks,¹⁸⁵ warrant books,¹⁸⁶ cancelled warrants,¹⁸⁷ fee reports of county officers,¹⁸⁸ and township trustees' reports of receipts and disbursements (accompanied by vouchers).¹⁸⁹ He keeps separate accounts for each specific item of appropriation by the county council¹⁹⁰ and an account current, with the treasurer, of county funds.¹⁹¹ He keeps a record of all the boards of

to 6601, 6594. Webb v. Moore (1865), 25 Ind. 4; Key v. Ostrander (1867), 29 Ind. 1; Bonnell v. Ray (1880), 71 Ind. 141; Willson v. Brown (1882), 82 Ind. 471; Benefiel v. Aughe (1884), 93 Ind. 401; Shannon v. Hay (1886), 106 Ind. 589, 7 N. E. 376; Windstandley v. Crim (1889), 117 Ind. 328, 20 N. E. 833; Haynes v. Cox (1889), 118 Ind. 184, 20 N. E. 758; Work v. State ex rel. Holland (1889), 120 Ind. 119, 22 N. E. 127; State ex rel. Longfellow v. Wimer (1906), 166 Ind. 530, 77 N. E. 1078.

¹⁸¹ Acts 1899; Burns 28-250 to 28-256; Baldwin 6602 to 6603.

¹⁸² Acts 1855, ch. 86, secs. 88, 95. Acts 1865; Burns 28-259 to 28-262; Baldwin 6611 to 6614.

¹⁸³ Acts 1865; Burns 28-263; Baldwin 6615.

¹⁸⁴ Acts 1879; Burns 28-264 to 28-266; Baldwin 6616 to 6618.

¹⁸⁵ Acts 1840-41 (general), ch. 2, sec. 27. Acts 1891, ch. 194, sec. 124. Acts 1895; Burns 49-1401; Baldwin 7576.

¹⁸⁶ Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

¹⁸⁷ Rev. Stat. 1843, ch. 7, secs. 79, 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

Interview of June 14, 1939 with E. P. Brennan, state examiner.

¹⁸⁸ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

¹⁸⁹ Acts 1899, 1901; Burns 65-318; Baldwin 16075.

¹⁹⁰ Acts 1899; Burns 26-523; Baldwin 5387.

¹⁹¹ Acts 1840-41 (general), ch. 2, sec. 10. 1 Rev. Stat. 1852; Burns 49-3010; Baldwin 5423.

Wells v. State ex rel. Board of County Comrs. (1864), 22 Ind. 241.

which he is clerk or secretary, and must preserve the documents, books, papers, and maps deposited in his office.¹⁹² If any map or plat in his office becomes worn or defaced, he makes a new copy thereof.¹⁹³ He takes copies of such maps or plats in the recorder's office as may be necessary for the discharge of the auditor's official duties.¹⁹⁴ He keeps a record of the costs of change of venue in judicial proceedings.¹⁹⁵ He keeps a record of the appraisement and sale of swamp and indemnity lands, saline lands, and forfeited lands.¹⁹⁶

The books and accounts of the auditor are inspected from time to time, without notice, by the state examiner.¹⁹⁷ Before 1909 the board of commissioners, at each regular session, examined the books of the auditor.¹⁹⁸

The state board of accounts prescribes the forms of books, reports, accounts, and records for the use or disposition of all county auditors, concerning the accounting for public funds.¹⁹⁹

Forms for the following books were prescribed for the county auditors by the state board of accounts: Fee and cash-book; tax duplicate; ditch tax duplicate; ditch tax duplicate—10 year payment; moratorium tax duplicate; register of warrants on treasurer; register of quietuses and receipts; distribution record; record of commissioners' allowances; ledger of appropriation and disbursements; ledger of receipts and disbursements; record of receipt and sale of intangible tax stamps; register of banks and savings banks; register of building and loan associations; register of school fund loans; register of school fund interest contracts and record of pay-

¹⁹² Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53; ch. 15, sec. 34. Acts 1883, ch. 56, sec. 1. Acts 1891, ch. 99, secs. 114, 116. 1 Rev. Stat. 1852; Burns 26-611, 26-921, 49-3004; Baldwin 5226, 5238, 5418. Acts 1899; Burns 26-509; Baldwin 5373. Acts 1919, 1920 (Spec. Secs.); Burns 64-1201; Baldwin 15700. Acts 1937; Burns, 1939 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁹³ 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

¹⁹⁴ *Ibid.*

¹⁹⁵ Acts 1913; Burns 2-1417, 2-1418; Baldwin 199, 200.

¹⁹⁶ 1 Rev. Stat. 1852, ch. 104, sec. 13. Acts 1855, ch. 85, secs. 1, 4. Acts 1883, ch. 124, sec. 2. Acts 1889; Burns 62-206 to 62-209; Baldwin 15272 to 15275.

¹⁹⁷ Acts 1909; Burns 60-211; Baldwin 13862.

¹⁹⁸ 1 Rev. Stat. 1852, ch. 20, sec. 13. Acts 1897; Burns 26-636; Baldwin 5237. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹⁹⁹ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

ments; inventory of school fund loans; record of condition of school funds; register of macadam road bonds and interest paid; bond register; transfer record; venue record; monthly balance record; auditor's financial statement; insolvent record; register of receipts and sales of material-county infirmary; construction record-ruled, printed, punched; register of redemption bonds; bidders' record; work sheet-delinquent tax extension; abstract of delinquent tax 1934 carried to 1935 duplicate; poor relief ledger; township poor bond redemption ledger; ledger of poor bond receipts; and auditor's poor claim register.²⁰⁰

Forms for the following blanks, documents, and reports were prescribed for the county auditors by the state board of accounts: Report of fees collected; claim for burial of soldiers; ordinance of appropriation; estimate of revenues other than taxes; warrants on treasurer; claims against county; dog claims; estimate of county commissioners-general; estimates of county commissioners for orphans' home, tuberculosis hospital, county hospital, and insane hospital; estimates of clerk of the circuit court, auditor, treasurer, recorder, sheriff, surveyor, superintendent of schools, coroner, county assessor, township assessors, prosecuting attorney, highway supervisor, circuit court; auditor's card; report of superintendent of infirmary; report of viewers and engineer; county engineer's monthly estimate; surveyor's claim blank; specifications, bid, and contract for county printing and purchase of supplies; requisition; apportionment of current tax-June settlement; apportionment of current tax-December settlement; apportionment of bank or building and loan tax-June or December settlement; apportionment of delinquent tax-June settlement; apportionment of delinquent tax-December settlement; apportionment of moratorium tax-June or December settlement; distribution sheets-June and December; apportionment of treasurer's fees for collection of delinquent tax-June or December settlement; election to accept extension of school fund loan; contract for installment payments of delinquent interest on school fund loans; agreement for issuance of redemption bond; revised budget estimates of funds-county, township, civil city, civil town, school corporation, and library; estimates of miscellaneous revenue-county general fund, township fund, corporation fund, school corporation, civil town; June settlement sheets; December settlement sheets; abstract of taxables;

²⁰⁰ Interview of May 18, 1939 with E. P. Brennan, state examiner.

notice to bidders; certificate of code compliance; school fund mortgage; journal voucher; auditor's report to commissioners; and kennel license.²⁰¹

The state board of accounts was created in 1909.²⁰² Nearly all of the afore-mentioned forms were prescribed in 1910 and 1911, though some changes have been made since then. Most of the books and records required by the state board of accounts were specifically required by statute; but the board, under its broad statutory powers, has in some instances required books and records, such as the auditor's monthly balance record, not specifically required by statute. The auditor is not required to keep as many separate records now as he did before 1924, since the board consolidated many of his records that year.²⁰³

The auditor's office must be kept at the county seat, open for the transaction of business at all times during business hours.²⁰⁴

AUDITS AND REPORTS

230. FIELD EXAMINERS' REPORT OF EXPENSES, 1912-38. 3 f.
b. 1939- in Sheriff and County Agent and Field
Examiners, entry 231.

Copies of reports of audits of various county offices by field examiners of state board of accounts, showing dates of report, audit and filing, names of office and examiners, condition of accounts, and statement of expenses for examination. Arr. chron. by dates of reports. No index. Typed. 10 x 4 x 14. Aud. off.

231. SHERIFF AND COUNTY AGENT AND FIELD EXAMINERS, 1920-.
2 f. b.

Court allowances, showing dates of order, filing and court term, name and address of claimant, name of official, amounts of allowance and warrant, and itemized statement of claim. Also contains: [County Agent Claims], entry 17; Field Examiners' Reports of Expenses, 1939-, entry 230. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

232. REPORTS TO ADVISORY BOARD, 1866-. 5 f. d.

Copies of trustees' annual reports to advisory board on receipts

²⁰¹ *Ibid.*

²⁰² Acts 1909; Burns 60-202; Baldwin 13855.

²⁰³ *Ibid.* Interview of May 18, 1939 with E. P. Brennan, state examiner.

²⁰⁴ 1 Rev. Stat. 1852; Burns 49-3002; Baldwin 5416.

and disbursements, showing date of report, names of township and trustee, and amounts of receipts and disbursements. Arr. chron. by dates of reports. No index. Hdw. 6 x 10 x 24. Aud. off.

233. TRUSTEES' REPORTS TO AUDITOR, 1891-. 4 cartons, 2 bdl's., 21 f. b.

Monthly reports of township trustees of expenditures, showing date of report, date, amount, purpose and classification of expenditure, and names of township, fund and trustee. Arr. chron. by dates of reports. No index. Hdw. Cartons, 6 x 10 x 24; bdl's., 24 x 24 x 12; f. b., 10 x 4 x 14. Aud. off.

234. DOG FUND REPORTS, 1905-. 3 cartons, 3 f. b.

Township trustees' annual reports of receipts and disbursements of dog fund, showing date of report, nature and amounts of receipt and disbursement, names of fund, payee and payer, and balance. Arr. chron. by dates of reports. No index. Hdw. Cartons, 6 x 8 x 24; f. b., 10 x 4 x 14. Aud. off.

235. SHERIFF'S REPORT TO AUDITOR OF FEES COLLECTED, 1916-20, 1922-. 1 bdl., 1 f. b.

Reports of fees collected by sheriff, showing dates of report and payment to treasurer, amounts and classifications of fees, and amount paid to treasurer. Arr. chron. by dates of reports. No index. Hdw. and typed. 10 x 4 x 14. Aud. off.

RECEIPTS AND DISBURSEMENTS

GENERAL FUNDS

236. MONTHLY BALANCES, 1911-. 4 vols. (1-4).

Record of monthly balances of county revenue, showing date of balance, name of fund, amounts of prior balance, current receipts and disbursements, and balance carried forward. Arr. chron. by dates of balances. No index. Hdw. 150 pp. 20 x 16 x 1. Aud. off.

For prior records, see entry 237.

237. RECORD OF BALANCES, 1890-95, 1904-10. 2 vols. (1 vol. not numbered, 3).

Record of quarterly balances of county revenue, showing same information as in entry 236. Arr. chron. by dates of balances. No index. Hdw. 100 pp. 18 x 24 x 1. Aud. off.

238. AUDITOR'S FEE AND CASH BOOK, 1899-. 5 vols. (2 vols. not numbered, 1, 1 vol. not numbered, 3).

Record of fees collected for service on instruments, showing date of receipt, amount and nature of fee, names of payer and fund, and date and amount paid to treasurer. Arr. chron. by

dates of receipts. No index. Hdw. 250 pp. 18 x 12 x 2. Aud. off.

239. LEDGER OF RECEIPTS, APPROPRIATIONS AND DISBURSEMENTS, 1929-. 9 vols.

Record of receipts, appropriations and disbursements of all county revenue, showing dates of receipt, appropriation and disbursement, names of fund, payer and payee, receipt and warrant numbers, and balance. This is a combination of two records formerly kept separately: Record of Receipts, entry 240; Appropriation Record, entry 241. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 250 pp. 17 x 12 x 2½. Aud. off.

240. RECORD OF RECEIPTS, 1910-28. 4 vols. 1929- in Ledger of Receipts, Appropriations and Disbursements, entry 239.

Record of receipts of county revenue, showing date and amount of receipt, receipt number, name of payer, and total receipts. Arr. num. by receipt nos. No index. Hdw. 300 pp. 20 x 18 x 2. 2 vols., 1910-15, bsmt. stor. rm.; 2 vols., 1916-28, aud. off.

241. APPROPRIATION RECORD, 1907-28. 14 vols. Title varies: Record of Appropriations and Disbursements, 1907-10, 3 vols.; County Revenue, 1911-18, 2 vols. 1929- in Ledger of Receipts, Appropriations and Disbursements, entry 239.

Record of appropriations and disbursements of county revenue, showing number and amount of appropriation, date, amount and purpose of disbursement, names of payee and fund, warrant number, total disbursements, and balance. Arr. chron. by dates of disbursements. No index. Hdw. 500 pp. 18 x 12 x 3. 12 vols., 1907-10, 1919-28, aud. off.; 2 vols., 1911-18, bsmt. stor. rm.

242. REGISTER OF WARRANTS, 1931-. 12 vols.

Copies of warrants drawn on depositories for disbursement of county revenue, showing date, number and amount of warrant, names of payee and depository, appropriation number, name of fund, and purpose of warrant. Arr. num. by warrant nos. No index. Typed. 800 pp. 18 x 12 x 5. Aud. off.

For prior records, see entry 243.

243. RECORD OF WARRANTS ISSUED, 1857-76, 1900-1930. 6 vols. (3 vols. not numbered, 2-4).

Record of warrants drawn on treasurer for disbursement of county revenue, showing same information as in entry 242. Arr. num. by warrant nos. No index. Hdw. 500 pp. 18 x 12 x 2½. Aud. off.

244. COUNTY WARRANTS, 1900-. 39 f. b.

County warrants paid by depositories, showing date, number, amount and purpose of warrant, names of payee and depository, and name or number of fund. Arr. chron. by dates of warrants. No index. Typed. 10 x 4 x 14. Aud. off.

245. TREASURERS' RECEIPTS, 1921-. 10 f. b.

Receipts issued for money paid to treasurer and filed with auditor to obtain quietuses, showing date, number, amount and purpose of receipt, and names of payer and fund. Arr. chron. by dates of receipts. No index. Hdw. 10 x 4 x 14. Aud. off.

246. AUDITOR'S QUIETUS, 1903-. 18 vols.

Copies of quietuses issued by auditor upon presentation of treasurer's receipts for payments made to county, showing date, number, amount and purpose of quietus, and names of payee and fund. Arr. num. by quietus nos. No index. Hdw. 200 pp. 9 x 12 x 2. 15 vols., 1903-June 16, 1920, bsmt. stor. rm.; 3 vols., June 23, 1920-, aud. off.

247. [CERTIFICATES OF DISTRIBUTION], 1908-. 6 vols.

Auditor's certificates of distribution of tax collections to various taxing units, showing date of certificate, warrant number, names of taxing unit, payee and fund, and amount of distribution. Arr. chron. by dates of certificates. No index. Hdw. 375 pp. 9 x 12 x 3. Aud. off.

248. AUDITOR'S VENUE RECORD, 1914-. 1 vol.

Record of receipts and expenditures for causes venued to and from Warrick County, showing cause number, dates and amounts of receipts and expenditures, and names of plaintiff, defendant and foreign county. Arr. chron. by dates of receipts and expenditures. No index. Hdw. 150 pp. 14 x 14 x 1. Aud. off.

For other change of venue records, see entries 167, 249.

249. CLAIM OF COST IN CHANGE OF VENUE, 1915-. 3 f. b.

Claims for costs in causes venued to foreign counties, showing cause number, date and amount of claim, names of plaintiff, defendant and foreign county, and date of allowance. Arr. chron. by dates of allowances. No index. Hdw. 10 x 4 x 14. Aud. off.

For other change of venue records, see entries 167, 248.

250. SHERIFF'S ALLOWANCE FOR TRANSPORTING PRISONERS, 1929-. 3 f. b.

Lists of allowances for transportation of inmates to state and county institutions, showing dates of allowance, service and filing, name and address of claimant, and amount and nature of service. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

251. MORTGAGE TAX REFUNDS, 1932-. 1 f. b.

Claims filed against county for refund of excessive taxes originally paid through error, showing dates of payment and filing, name of taxpayer, description of property, amount of refund, and volume and page reference to Tax Duplicate, entry 204. Arr. chron. by dates of filing. No index. 10 x 4 x 14. Aud. off.

252. APPORTIONMENT OF MORATORIUM TAXES, 1934-. 2 bdl.

Statements of apportionment of moratorium taxes, showing dates of statement, payment and apportionment, names of taxing unit and fund, and amounts of payments and apportionments to various taxing units and funds. Arr. chron. by dates of statements. No index. Hdw. 18 x 12 x 16. Aud. off.

POOR RELIEF

253. TOWNSHIP POOR RELIEF LEDGER, 1935-. 1 vol.

Record of receipts and expenditures for poor relief, showing dates and amounts of receipt and expenditure, kind of relief, names of township, receipt and fund, balance, and appropriation and warrant numbers. Arr. chron. by dates of receipts and expenditures. No index. Hdw. 200 pp. 12 x 16 x 1½. Aud. off.

For poor relief orders, see entry 18.

PUBLIC WELFARE (see also entries 318-342)

254. [WELFARE WARRANTS], 1936-. 5 vols.

Copies of warrants issued for disbursement of public welfare funds, showing date, number, amount and purpose of warrant, names of payee and fund, and case and appropriation numbers. Arr. num. by warrant nos. No index. Typed. 700 pp. 18 x 12 x 4. Aud. off.

255. CANCELLED WARRANTS FOR OLD-AGE ASSISTANCE, 1936-. 2 f. b.

Cancelled warrants drawn on public welfare funds, showing date, number, amount and purpose of warrant, appropriation number, and names of payee and depository. Arr. num. by warrant nos. No index. Typed. 10 x 4 x 14. Aud. off.

PUBLIC IMPROVEMENTS (see also entries 20-25, 208, 209)

256. SPECIAL ROAD FUNDS, 1935-. 4 f. b.

Cancelled warrants drawn on special road funds, showing date, number, amount and purpose of warrant, appropriation number, and names of depository and payee. Arr. num. by warrant nos. No index. Hdw. 10 x 4 x 14. Aud. off.

TAXES

(See also entries 204-216)

REAL AND PERSONAL

257. TRANSFER BOOK, 1847-. 177 vols. (labelled by taxing units).

Record of transfer of title to real property, showing names of grantor and grantee, location and description of property, valuation of lands, lots and improvements, kind of deed, dates of instrument and transfer, and amount of fee. Arr. alph. by names of grantees. No index. Hdw. 200 pp. 16 x 12 x 1½. Aud. off.

258. ASSESSOR'S BOOK, 1899-. 593 vols. (labelled by taxing units).

Record of assessed valuation of all taxable property, showing date of assessment, names of property owner and taxing unit, location, description and valuation of property, number of polls, and amount of mortgage indebtedness. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 100 pp. 18 x 11½ x ½. 53 vols., 1899-Mar. 1910, bsmt. stor. rm.; 540 vols., Dec. 1910-, assr. off.

259. ASSESSMENT LISTS, 1900-. 10 bds., 2 f. b.

Assessment lists of real property, showing date and number of assessment, names of taxing unit and property owner, and location, description and valuation of property. Arr. chron. by dates of assessments. No index. Hdw. Bds., 16 x 4 x 8; f. b., 10 x 4 x 14. 10 bds., 1900-1933, bsmt. stor. rm.; 2 f. b., 1934-, aud. off.

260. ASSESSMENT LIST PERSONAL, 1902-. 802 vols.

Record of assessments of personal property in Warrick County, showing date and number of assessment, description and valuation of property, and names of taxing unit and property owner. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 300 pp. 14 x 9 x 2½. 615 vols., 1902-30, bsmt. stor. rm.; 187 vols., 1931-, assr. off.

261. RAILROAD, TELEPHONE AND TELEGRAPH STATEMENTS, 1901-. 3 f. b.

Statements of valuation of all taxable property in Warrick County owned by foreign corporations, showing date of statement, name of corporation, and location, description and valuation of property. Arr. chron. by dates of statements. No index. Typed. 10 x 4 x 14. Aud. off.

262. CERTIFICATES OF AUDITOR OF STATE, 1913-. 1 f. b. Schedules of railroad property owned and operated in county,

showing dates of schedule and filing, name of railroad, length of main, side or second tracks and turnouts, proportion of mileage located in each municipal subdivision, all personal property including tools, materials, machinery and fixtures, all real estate and improvements other than tracks, and the true cash value of all property. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

263. [CORPORATION STATEMENTS], 1934-. 4 f. b.
Original affidavits of valuation of intangible and real property owned in county by domestic corporations, showing dates of affidavit and filing, names of corporation and owners, classification of stocks, bonds and assets and liabilities of corporation, and total valuation. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

264. ASSESSOR'S PLAT BOOK, 1903-. 135 vols.
Drawings of plats in each township, showing date drawn, location and description of lands and lots, and names of township and property owner. Arr. alph. by townships. No index. Hdw. 100 pp. 16 x 10 x 1. Assr. off.

INHERITANCE (see also entries 188, 210)

265. [INHERITANCE TAX REPORTS], 1930-. 1 f. b.
Schedules of all property and affidavits of administrators or executors, trustees or heirs for inheritance tax appraisements, showing names of decedent and affiant, dates of schedule, decedent's death, will admitted to probate and letters of administration granted, location, description and assessed and market valuation of real property, par and market valuations of all intangibles, market valuation of chattels, interest in business or co-partnerships, trusts and all other property, recapitulation of all taxables, itemized list of claims, debts and expenses, and amount of deduction claimed. Arr. chron. by dates of schedules. No index. Typed. 10 x 4 x 14. Aud. off.

EXEMPTIONS

266. [CERTIFICATES OF ERRONEOUS TAXES], 1900-. 2 vols.
Stubs of certificates of erroneous taxes issued by auditor to treasurer for correction of tax duplicates, showing date of certificate, names of taxpayer and taxing unit, location and description of property, amount and nature of error, and certificate and tax duplicate numbers. Arr. chron. by dates of certificates. No index. Hdw. 200 pp. 10 x 8 x 2. Aud. off.

267. [MORTGAGE EXEMPTIONS], 1924-. 37 pigeon holes, 10 vols.
Affidavits of mortgage indebtedness for purpose of obtaining

tax exemptions, showing dates of affidavit and filing, names of township and mortgagor, name and address of mortgagee, amount of mortgage indebtedness, affidavit number, and location, description and assessed valuation of property. Arr. chron. by dates of filing. No index. Hdw. Pigeon holes, 5 x 4 x 10; vols., 400 pp. 10 x 10 x 4. 37 pigeon holes, 1924-32. bsmt. stor. rm.; 10 vols., 1933-, assr. off.

268. AFFIDAVITS FOR SOLDIERS EXEMPTION, 1932-. 1 f. b. Affidavits of soldiers, sailors and marines filed to secure tax exemptions, showing date of affidavit, name of affiant, service record, location and description of property, and amount of exemption. Arr. chron. by dates of affidavits. No index. Hdw. 10 x 4 x 14. Aud. off.

DELINQUENT

269. RECORD OF DELINQUENT LANDS AND LOTS, 1888-1927, 1935-. 4 vols.

Record of lands and lots returned delinquent for nonpayment of taxes, showing duplicate number, names of property owner and taxing unit, location and description of property, and amounts of delinquency, penalty and interest. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 350 pp. 18 x 12 x 2. Aud. off.

270. REGISTER OF TAX SALES, 1862-. 2 vols. (1, 2).

Record of property sold for delinquent taxes, showing name of property owner, certificate and tax duplicate numbers, location and description of property, name of taxing unit, amount sold, and name of purchaser. Arr. chron. by dates of sales. No index. Hdw. 250 pp. 18 x 12 x 2. Aud. off.

271. REGISTER OF TAX CERTIFICATES, 1879-90, 1904-. 5 vols.

(2 vols. not numbered, 4, 1 vol. not numbered, 6).

Record of certificates issued to purchasers of property sold for delinquent taxes, showing date and number of certificate, names of property owner and purchaser, location and description of property, and amounts of delinquency, penalty, interest and sale. Arr. chron. by dates of certificates. Indexed alph. by names of purchasers. Hdw. 300 pp. 16 x 11 x 2. Aud. off.

272. TAX CERTIFICATES, 1863-. 10 f. b.

Original certificates of sale of property sold for delinquent taxes surrendered to auditor to obtain tax title deeds, showing dates of sale, certificate and filing, certificate number, location and description of property, names of owner and purchaser, and amount of sale. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Aud. off.

SCHOOL FUNDS

273. REGISTER OF SCHOOL FUND LOANS, 1865-. 5 vols. (2 vols. not numbered, 2-4).

Record of school and trust fund loans, showing date, number and amount of mortgage, name of mortgagor, location and description of property, and dates and amounts of payments of principal and interest. Arr. num. by mortgage nos. No index. Hdw. 600 pp. 16 x 10 x 2½. Aud. off.

For original school fund mortgages, see entry 201.

274. REGISTER OF SCHOOL FUND INTEREST, 1897-. 2 vols.

Record of payments of principal and interest on school fund mortgages, showing date, number and amount of mortgage, name of mortgagor, dates and amounts of payments of principal and interest, and volume and page reference to Register of School Fund Loans, entry 273. Arr. num. by mortgage nos. Indexed alph. by names of mortgagors. Hdw. 275 pp. 18 x 10 x 1½. Aud. off.

275. [INVENTORY OF SCHOOL OR TRUST FUNDS], 1907-. 1 vol.

Annual inventory of school and trust fund loans, showing date of inventory, date, number and amount of mortgage, name of fund, amounts of principal and interest due, and amounts represented by forfeited land. Arr. chron. by dates of inventories. No index. Hdw. 250 pp. 16 x 17 x 2. Aud. off.

276. [CONDITION OF COMMON SCHOOL FUND], 1913-. 1 vol.

Recapitulation of condition and distribution of school fund, showing date, number and amount of loan, total amounts of loan in force, paid on loans, transferred to and from other counties, losses and held in trust, and date of recapitulation. Arr. chron. by dates of recapitulations. No index. Hdw. 200 pp. 16 x 20 x 2. Aud. off.

277. TUITION TRANSFERS, 1908-. 5 f. b.

Statements filed by trustees and school corporations of all transfers of school children, showing dates of statement and allowance, names of township or school corporation, and amount of tuition. Arr. chron. by dates of allowances. No index. Hdw. 2 f. b., 4 x 4 x 10; 3 f. b., 10 x 4 x 14. 2 f. b., 1908-10, bsmt. stor. rm.; 3 f. b., 1911-, aud. off.

278. AUDITOR'S SEMIANNUAL REPORT OF SCHOOL REVENUE, 1915-. 1 f. b.

Copies of auditor's annual reports to state superintendent of public instruction on condition of school funds, showing date of report, name of fund, and amounts of receipts and disbursements. Arr. chron. by dates of reports. No index. Hdw. 10 x 4 x 14. Aud. off.

279. TREASURER'S REPORT TO AUDITOR FOR SCHOOL YEAR, 1920-
1 f. b.

Annual financial report of treasurer of school board to auditor on condition of school funds, showing date of report, names of school corporation and fund, amounts of receipts and disbursements, and balance. Arr. chron. by dates of reports. No index. Typed. 10 x 4 x 14. Aud. off.

280. SCHOOL LANDS, 1833-53. 1 vol.

Record of sales of county school land, showing dates of sale and deed, location and description of property, name of purchaser, and volume and page reference to Deed Record, entry 75. Arr. chron. by dates of sales. No index. Hdw. 100 pp. 18 x 18 x 1. Aud. off.

OFFICIAL BONDS

(See also entries 31-35)

281. [OFFICIAL BONDS], 1911-. 1 vol.

Record of bonds posted by public officials to insure faithful performance of duties, including:

- i. School trustees' bonds, showing date, amount and conditions of bond, and names of school corporation, trustee and sureties.
- ii. Assessors' bonds, 1914-, showing date, amount and conditions of bond, and names of taxing unit, assessor and sureties.
- iii. Township trustees' bonds, 1914-, showing date, amount and conditions of bond, and names of township, trustee and sureties.

Arr. chron. by dates of bonds. Indexed alph. by names of officials. Hdw. 300 pp. 14 x 10 x 2½. Aud. off.

MISCELLANEOUS

282. ENUMERATION OF WHITE AND COLORED MALES OVER THE AGE
OF 21 YEARS, 1913-. 43 vols.

Sexennial enumeration of white and colored male inhabitants of Warrick County over the age of 21 years, showing date of enumeration, name, age, address and color of male, total number in each township. Arr. alph. by names of males. No index. Hdw. 50 pp. 12 x 8½ x 1½. Bsmt. stor. rm.

MAPS

283. WARRICK COUNTY, INDIANA, 1922. 1 map.

Political and communication map of Warrick County, showing date of map, townships, subdivisions, churches, streets and schools. Drawn by Ansley I. May. Published at Boonville. Black and white. Scale: 2" to 1 mi. 52 x 52. Aud. off.

284. BOONVILLE, INDIANA, 1930. 1 map.

Political and communication map of Warrick County, showing date of map, township boundaries, streets, alleys, block numbers, churches, courthouse, parks and schools. Drawn by Warren Abbott. Published at Boonville. Printed. Scale: 1" to 400'. 34 x 44. Aud. off.

XVI. REGISTRATION OFFICER

The clerk of the circuit court serves *ex officio* as the registration officer of Warrick County, by authority of an act of 1933, as amended in 1935.¹

The clerk of each city and town in the county is *ex officio* deputy registration officer of the county. The registration officer may appoint as many deputy registration officers for the county as may be necessary. The deputies must take an oath administered by the clerk of the circuit court. They receive a certificate of appointment which they must keep with them when about their official duties. These deputies are selected, as nearly as practicable, in equal numbers, from the two major political parties, on the written recommendation of the county chairman of each party. A list of all deputy registration officers is kept in the office of the clerk of the circuit court, and is open to public inspection.²

For each registration blank or transfer of registration which the clerk of the circuit court fills out and executes, he receives a sum of not to exceed four cents, and in addition thereto he receives reasonable compensation (fixed by the board of commissioners) for the additional services he renders as registration officer.³ The deputy registration officers receive for their services the sum of not to exceed five cents for each registration blank properly filled out and executed.⁴

¹ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

² *Ibid.*

³ Acts 1933, 1935; Burns, 1939 suppl., 29-329; Baldwin, 1935 suppl., 7327.

⁴ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

The constitution prescribes the qualifications of voters.⁵ Amendments of the constitution in 1881 and 1926 directed the general assembly to provide for the registration of all persons entitled to vote.⁶

Many laws for registration have been enacted. An act of 1867, establishing a township board of registry, consisting of the township trustee and two freeholders appointed by the board of commissioners,⁷ was repealed in 1869.⁸ Acts of 1889⁹ and 1891,¹⁰ providing for registration in the office of the clerk of the circuit court, were declared unconstitutional in 1890¹¹ and 1892,¹² respectively. An act of 1911, providing for a precinct registration board, consisting of a registration inspector (appointed by the board of commissioners) and two registration clerks (appointed by the registration inspector),¹³ was repealed in 1917.¹⁴ An act of 1917, creating a board of registration commissioners (generally called the "registration board"), consisting of the clerk of the circuit court and two qualified electors appointed by him (one from each of the major political parties),¹⁵ was repealed in 1919.¹⁶ An act of 1919, creating precinct boards,¹⁷ was amended by an act of 1925, creating a registration board consisting of the auditor and a person of opposite political faith appointed by him;¹⁸ and both acts were repealed in 1927.¹⁹ From 1927 until 1933 there was no registration system. Acts of 1933 and 1935 established the present system of registration.²⁰

Registration of all voters is a requirement for voting at any general election, primary election, city election, or any

⁵ Const., art. 2, sec. 2.

⁶ *Ibid.*, sec. 14 (as amended in 1881 and 1926).

⁷ Acts 1867, ch. 51, sec. 2.

⁸ Acts 1869 (Spec. Sess.), ch. 31, sec. 1.

⁹ Acts 1889, ch. 87, sec. 13.

¹⁰ Acts 1891, ch. 144, sec. 1.

¹¹ *Morris v. Powell* (1890), 125 Ind. 281, 25 N. E. 221.

¹² *Brewer v. McClelland* (1892), 144 Ind. 423, 32 N. E. 299.

¹³ Acts 1911, ch. 150, secs. 3-15.

¹⁴ Acts 1917, ch. 139, sec. 47.

¹⁵ *Ibid.*, sec. 4.

¹⁶ Acts 1919, ch. 150, sec. 1.

¹⁷ *Ibid.*, ch. 186, sec. 4.

¹⁸ Acts 1925, ch. 138, sec. 1.

¹⁹ Acts 1927, ch. 195, sec. 1.

²⁰ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

special election in which all qualified voters of the state may participate. Such registration must be made at least 29 days before the election.²¹ The registration officer has full charge and control of the registration of the voters and provides all the necessary books and supplies.²²

The official registration books consist of the original affidavits of registration, fastened in binders,²³ and constitute a permanent registration record.²⁴ If the registration books of any precinct are destroyed, mutilated, or inaccessible, a new registration is conducted on determination by the board of commissioners of the county.²⁵ The clerk, not later than 10 days before the election, prepares typewritten or photostatic copies of the registration list of each precinct in the county. These are for the election officials and party heads, and may be publicly inspected at the office of the clerk.²⁶

A voter need not register a second time, as long as he continues to reside in the same precinct, unless he fails to vote during any two-year period. If he moves from his precinct or fails to vote during any two-year period, he must apply for a transfer or reinstatement of registration.²⁷ It is the duty of the registration officer to check the registration lists continually for deceased and disfranchised voters. Lists of deceased voters are obtained from local health officers,²⁸ and the clerk prepares a list of all disfranchised voters.²⁹ When a voter moves from one county to another, he is required to register in the new county, and the clerk cancels the voter's former registration.³⁰ The clerk notifies a voter whenever the voter's registration has been challenged, and the clerk cancels the registration if he does not receive

²¹ Acts 1933; Burns 29-301, 29-307; Baldwin 7299, 7305. Acts 1933, 1935; Burns, 1939 suppl., 29-336; Baldwin, 1935 suppl., 7334.

²² Acts 1933; Burns 29-309; Baldwin 7307.

²³ Acts 1933, 1935; Burns, 1939 suppl., 29-313; Baldwin, 1935 suppl., 7311. Acts 1933; Burns 29-316; Baldwin 7314.

²⁴ Acts 1933; Burns 29-302; Baldwin 7300.

²⁵ Acts 1933; Burns 29-304; Baldwin 7302.

²⁶ Acts 1933, 1935; Burns, 1939 suppl., 29-317; Baldwin, 1935 suppl., 7315.

²⁷ Acts 1933; Burns 29-303, 29-320, 29-326; Baldwin 7301, 7318, 7324.

²⁸ Acts 1933; Burns 29-321; Baldwin 7319.

²⁹ Acts 1933; Burns 29-322; Baldwin 7320.

³⁰ Acts 1933, 1935; Burns, 1939 suppl., 29-314; Baldwin, 1935 suppl., 7312. Acts 1933; Burns 29-326; Baldwin 7324.

a sworn statement from the voter certifying that he is qualified to vote as stated.³¹

The expense of the preparation of registration is paid out of the general fund of the county treasury, as directed by the board of county commissioners, after appropriation by the county council. The expense of preparing lists of registered voters for use in a city election is paid by the city, after appropriation by the city council.³²

All forms, blanks, records, and other supplies used in the registration of voters are prescribed by the state board of election commissioners for the purpose of uniformity in the registration records of the state.³³

285. [PERMANENT REGISTRATION OF VOTERS], 1930-. 10 vols. Permanent register of all qualified voters, showing date and number of registration, and name, age, address, birthplace, sex, color and oath of qualification of voter. Arr. alph. by names of voters. No index. Hdw. 350 pp. 10 x 5 x 4. Clk. off.

XVII. BOARD OF PRIMARY ELECTION COMMISSIONERS

The board of primary election commissioners of Warrick County was established by acts of 1907¹ and 1915, and subsequent amendatory acts. The members are the clerk of the circuit court and two persons appointed by him (one from each of the two major political parties, nominated by the respective chairmen of the county committees of the parties). The primary election commissioners serve as election commissioners at the election for which nominations by the primary election are made. Said board may employ all necessary clerical assistants.² Each member must be an elector of the county, must have been an inhabitant thereof during one year next preceding his appointment, and must reside within the county while holding office.³ Each member must take an oath that he will

³¹ Acts 1933; Burns 29-325; Baldwin 7323.

³² Acts 1933; Burns 29-305; Baldwin 7303.

³³ Acts 1933; Burns 29-334; Baldwin 7332.

¹ Acts 1907, ch. 282, secs. 1, 13.

² Acts 1915, 1917; Burns 29-504; Baldwin 7190.

³ Const., art. 6, secs. 4, 6.

support the state and federal constitutions and will faithfully discharge his duties as a member of the county board of primary election commissioners.⁴ No person holding an appointive or elective public office is eligible to serve as a primary election commissioner.⁵

Each of these commissioners is allowed \$75 for his services at any primary election.⁶

For sufficient legal grounds, any member of the board of primary election commissioners may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁷ If any member is convicted of a felony, the judgment of conviction must declare his office vacant.⁸ The clerk of the circuit court fills vacancies as to the members appointed by him.⁹

Prior to 1907 nominations had been strictly a party affair. At first candidates were proposed by a mass meeting, or by an informed caucus which might be a meeting of all the voters of the party in the precinct (township) or of party members interested sufficiently to attend (county and state). Out of the latter developed the party convention—an assembly of official delegates chosen by party officials such as precinct committeemen or county or district chairmen, as the case might have been.¹⁰

Indiana was one of the first states to adopt the primary election as a means of choosing candidates. The law of 1889, which instituted the Australian ballot system, recognized the right of the party to hold a primary, which was under the control of the chairman who certified the names of the nominees to the county board of election commissioners.¹¹

An act of 1901, applicable to all political parties casting 10 percent of the total vote at the preceding general

⁴ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁵ Acts 1915, 1917; Burns 29-512; Baldwin 7198.

⁶ Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1937 suppl., 7109-1.

⁷ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁸ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁹ Acts 1915, 1917; Burns 29-504; Baldwin, 7190.

For vacancy in the office of clerk, see the essay entitled "Clerk of the Circuit Court".

¹⁰ Alma Sickler Bender, *Why Go Back? . . . from the Direct Primary to the Convention System* . . ., 21.

¹¹ Acts 1889, ch. 87, secs. 17, 18, 26.

election, provided for the organization of political parties and the holding of two primary elections—one for precinct committeemen, and one for direct nomination of candidates or for election of delegates to a nominating convention. The precinct committeemen elected at the first primary election determined whether the party candidates should be nominated at a primary election or by a delegate convention. The law provided that if it was decided to have a primary election, the party chairman should fix the date thereof and deliver to the county board of election commissioners the names of the candidates proposed by petition. This board was required to prepare the primary ballot. No two political parties could hold their primaries at the same time or place. Returns were made to the party board of primary election commissioners. This board declared the nominees of the party; and the chairman of the board certified their names to the county board of election commissioners.¹²

The act of 1907 prescribed a compulsory direct primary election, under the supervision of a county board of primary election commissioners, for the nomination of party candidates for all county and township offices. This board consisted of the same membership as at present and its members acted as election commissioners at the general election. This primary election included all political parties casting 10 percent of the total vote at the preceding general election, and was conducted by bipartisan precinct election boards paid from county funds.¹³

The present primary election law provides for the nomination of candidates and the election of precinct committeemen and convention delegates, all in one primary election held biennially, at the same time and place, on the first Tuesday after the first Monday in May, in the even-numbered years. This law is mandatory as to each political party casting for its candidate for secretary of state 10 percent of the aggregate vote cast for all candidates for secretary of state at the last preceding general election held for that office.¹⁴

The board of primary election commissioners of Warrick County supervises primary elections. It prepares and dis-

¹² Acts 1901, ch. 219, secs. 1-4, 6-11, 25.

¹³ Acts 1907, ch. 282, secs. 1, 2, 6, 10-15, 22, 57.

¹⁴ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925, 1929; Burns 29-511, 29-512;

Baldwin 7196, 7197.

tributes the printed ballots,¹⁵ appoints the precinct board of election (consisting of one inspector and two election judges), two poll clerks, and two election sheriffs, on nomination by the county chairman of each of the two major political parties,¹⁶ and arranges, in alphabetical order, the names of the candidates on the ballots.¹⁷

At all primary elections the Australian ballot is used. It is made up of the tickets of the several political parties qualified for participation in the election, each party having a separate ticket printed on different colored paper, but uniform in size.¹⁸ Between 30 and 60 days before any primary election, a declaration of candidacy must be filed with or certified to the clerk of the circuit court, who is a member of the board.¹⁹ All expenses of the primary are paid from public funds.²⁰ Candidates of the major political parties for all offices—including city, since 1933—except those to be voted on by all the electors of the state, are nominated at the primary.²¹ The statutory provisions governing the manner of conducting general elections apply to all primary elections.²²

Papers of primary election matters are filed in the office of the clerk of the circuit court (a member of the board of primary election commissioners). They are preserved for six months and are then destroyed, unless litigation requires preservation for a longer time.²³

286. ABSENT VOTERS BALLOT [Primary Elections], 1918—. 3 vols. (1-3).

Record of absent voters' ballots in primary elections, showing name of elector, dates application received, ballot mailed and received from elector, address to which ballot mailed, and ward and precinct numbers. Also contains: [Absent Voters

¹⁵ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

¹⁶ Acts 1915; Burns 29-505; Baldwin 7191. Acts 1915, 1917; Burns 29-507; Baldwin 7193. Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-804 to 29-807; Baldwin 7093 to 7096.

¹⁷ Acts 1915, 1937; Burns, 1939 suppl., 29-515; Baldwin, 1937 suppl., 7201.

¹⁸ Acts 1915, 1917; Burns 29-504, 29-514; Baldwin 7190, 7200.

¹⁹ Acts 1915, 1917, 1933, 1935; Burns, 1939 suppl., 29-513; Baldwin, 1935 suppl., 7199. Acts 1915, 1931, 1935; Burns, 1939 suppl., 29-516; Baldwin, 1935 suppl., 7202.

²⁰ Acts 1915; Burns 29-534; Baldwin 7220. Acts 1933; Burns 29-1805; Baldwin 11637.

²¹ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1933; Burns 29-1807; Baldwin 11639.

²² Acts 1915; Burns 29-556, 29-559; Baldwin 7242, 7244.

²³ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911; Burns 29-2510; Baldwin 7447.

Ballots, General Elections], entry 291. Arr. by precincts, thereunder chron. by dates ballots received. No index. Hdw. 160 pp. 15 x 12 x 1. Clk. off.

287. [PRIMARY ELECTION PAPERS], 1926-. In [Election Returns], entry 289.

Documents filed in primary elections, including:

- i. Petitions to place candidates' names on ballots, showing dates of petition and filing, and names of petitioners, candidate and office.
- ii. Declarations of candidacy for nomination, showing dates of declaration, election and filing, names of candidate and office, and party affiliation.
- iii. Candidates' statements of expenses, showing date of statement, names of candidate and office, and itemized list of expenses.
- iv. Primary election inspectors' affirmations to comply with election laws, showing dates of affirmation, election and filing, names of inspector and voting place, and ward and precinct numbers.

288. [PRIMARY ELECTION RECORD], 1916-30. In Election Record [General Elections], entry 292. Discontinued after 1930.

Sample ballots and record of ballots printed, distributed and returned, showing same information as in entry 292.

XVIII. COUNTY BOARD OF CANVASSERS

The board of canvassers of Warrick County, consisting of the election commissioners, was established by an act of 1905.¹ The board elects its own chairman, and the clerk of the circuit court acts as its clerk.²

Before 1843 the canvass of votes was made by the election judges and inspectors.³ The board of canvassers, established in 1843, consisted of the inspectors from the several townships, who selected one of its members as chairman. The clerk of

¹ Acts 1905, 1927; Burns 29-1401; Baldwin 7377. See the essay entitled "County Board of Election Commissioners."

² Acts 1905; Burns 29-1402; Baldwin 7378.

³ Acts 1811, ch. 16, secs. 10, 11. Acts 1816-17, ch. 9, secs. 11, 12. Acts 1817-18 (general), ch. 15, secs. 11, 12. Rev. Laws 1824, ch. 35, secs. 11, 12. Rev. Laws 1831, ch. 32, secs. 11, 12. Rev. Stat. 1833, ch. 32, secs. 13, 14.

the circuit court served as clerk. This board was continued until 1905.⁴

The canvass of votes in primary⁵ and special⁶ elections, including votes cast for city⁷ and township officers,⁸ is made in the same manner as in the general election.

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all process in county elections and obeys all orders of the board.⁹

The members of the board are required to assemble at six o'clock p. m. on the day of each election, in the courtroom of the circuit court, to canvass and estimate the certificates, poll lists, and tally papers returned by the election inspectors;¹⁰ to aggregate and tabulate therefrom the votes of the county; and to declare in a certified statement the candidates elected in the county.¹¹ The board employs necessary clerical assistants for the proper canvassing and tabulating of votes. Not more than one-half of the clerks employed can be from the same political party and their compensation must not exceed \$1 per hour.¹²

The ballots cast in all primary and general elections, together with all uncast ballots, are sealed in an envelope or bag by the inspector in the presence of the election judges and poll clerks, and are delivered by him to the clerk of the circuit court, who holds them subject to the demand of the judge of any circuit or superior court of the state, in connection with any litigation arising from the primary or general election in which they were cast. Recount of ballots may be ordered by the court on petition presented by a defeated candidate. The clerk of the circuit court destroys the ballots

⁴ Rev. Stat. 1843, ch. 5, secs. 45-47. 1 Rev. Stat. 1852, ch. 31, secs. 31-33. Acts 1881 (Spec. Sess.), ch. 47, sec. 38.

⁵ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1915; Burns 29-560; Baldwin 7245.

⁶ Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249.

⁷ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1803, 29-1807; Baldwin 11635, 11639.

⁸ Acts 1933; Burns 29-1903; Baldwin 7252.

⁹ Acts 1905; Burns 29-1408; Baldwin 7384.

¹⁰ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

¹¹ Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

¹² Acts 1920 (Spec. Sess.); Burns 29-913; Baldwin 7158.

after the expiration of six months, unless litigation has arisen.¹³

The certificates, together with a statement of all votes tabulated, canvass sheets, poll books, and tally papers, are delivered to the clerk of the circuit court and filed and preserved by him in his office, open to the inspection of any legal voter. These are destroyed after six months' preservation if no litigation arises in that time.¹⁴ All pencils used in marking the ballots are destroyed before the counting of ballots begins.¹⁵

289. [ELECTION RETURNS], 1817-. 2 cartons, 45 f. b. Tally sheets of all elections, showing date of election, precinct and ward numbers, names of candidate, party affiliation, and office, and number of votes cast for each candidate. Also contains: [Primary Election Papers], 1926-, entry 287; [General Election Papers], 1881-, entry 290. Arr. chron. by dates of elections. No index. Hdw. and typed. Cartons, 6 x 8 x 24; 15 f. b., 4 x 4 x 10; 30 f. b., 10 x 4 x 14. 45 f. b., 1817-80, 1901-, clk. off.; 2 cartons, 1881-1900, bsmt. stor. rm.

XIX. COUNTY BOARD OF ELECTION COMMISSIONERS

The board of election commissioners of Warrick County was established by an act of 1889. The board consists of the clerk of the circuit court, and two persons appointed by him (one from each of the two major political parties, nominated by the respective chairmen of the county committees of the parties).¹ Each member must be an elector of the county, must have been an inhabitant thereof during one year next preceding his appointment, and must reside within the county while holding office.² Each member must take an oath that he will support the state and federal constitutions and will faithfully discharge his duties as a member of the county board of election commissioners.³

¹³ Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1881 (Spec. Sess.); Burns 29-2101 to 29-2105; Baldwin 7388 to 7392. Hadley v. Guttridge (1877), 58 Ind. 302.

¹⁴ Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1905; Burns 29-1404; Baldwin 7380.

¹⁵ Acts 1915; Burns 29-1305; Baldwin 7457.

¹ Acts 1889; Burns 29-1002; Baldwin 7109.

² Const., art. 6, secs. 4, 6.

³ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

Each of these commissioners is allowed \$75 for his services at any general or special election.⁴

For sufficient legal grounds, any member of the county board of election commissioners may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁵ If any member is convicted of a felony, the judgment of conviction must declare his office vacant.⁶ The clerk of the circuit court fills vacancies as to members appointed by him.⁷

Prior to 1889 there was little centralized county control over elections. The first election unit was the township, which was divided into precincts as the population increased. Such supervision as was necessary beyond the local unit was performed by various county officers.

At the organization of Warrick County in 1813,⁸ the court doing county business—a board after 1816—laid off townships,⁹ appointed an inspector of elections in each;¹⁰ and the judges of that court—the sheriff after 1816—delivered to the inspectors blank forms of poll books and election returns before the election.¹¹ After 1831 the inspectors were elected by the voters of the township;¹² and after 1852 the clerk of the circuit court certified to the sheriff which officers were to be elected. The sheriff posted a copy of this certificate at the usual places of holding elections, published it in some newspapers of the county, and delivered a copy to each township clerk¹³ or trustee.¹⁴ The board of county commissioners

⁴ Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

⁵ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁶ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁷ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

See the essay entitled "Clerk of the Circuit Court" for vacancy in the office of clerk.

⁸ Acts 1813, ch. 23.

⁹ Acts 1807, ch. 9, sec. 1; ch. 84, sec. 1. Acts 1817-18 (general), ch. 17, sec. 2.

¹⁰ Acts 1811, ch. 16, sec. 2. Acts 1813-14, ch. 33, sec. 1. Acts 1816-17, ch. 9, sec. 1. Rev. Laws 1824, ch. 35, sec. 1. Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, sec. 3.

¹¹ Acts 1811, ch. 16, sec. 3. Acts 1816-17, ch. 9, sec. 1. Rev. Laws 1824, ch. 35, sec. 1. Acts 1817-18 (general), ch. 15, sec. 1.

¹² Rev. Laws 1831, ch. 20, sec. 20.

¹³ 1 Rev. Stat. 1852, ch. 31, sec. 2.

¹⁴ Acts 1881 (Spec. Sess.): Burns 29-702; Baldwin 7082.

designated the precincts,¹⁵ and furnished supplies (including ballot boxes but not ballots).¹⁶ After 1881 the auditor furnished printed forms (but not ballots)¹⁷ and the board of county commissioners furnished the ballot boxes.¹⁸ Before 1889 voting was by ballot furnished by the voter, except that oral voting occurred at some elections before 1817.¹⁹ The president of the board of township trustees from 1853 to 1859,²⁰ the township trustee since 1859, served *ex officio* as inspector of elections²¹ in the precinct in which he resided,²² and the board of county commissioners appointed inspectors in all additional precincts.²³ The precinct election board was composed of the inspector, election judges, and poll clerks. The judges were appointed by the inspector, and the clerks were appointed by the inspector and judges.²⁴ After 1881 they were chosen from the two political parties casting the highest number of votes in the last preceding general election.²⁵

Indiana, in 1889, was one of the first states to adopt the Australian ballot—an official ballot printed at public expense by public officers and distributed at the polls by the election officers. The board of election commissioners was established to prepare, print, and distribute the ballots and otherwise administer the election laws of the county.²⁶

The constitution fixes the date of general elections as the first Tuesday after the first Monday in November,²⁷ and an act of the general assembly provides that they be conducted

¹⁵ 1 Rev. Stat. 1852, ch. 31, sec. 3. Acts 1881 (Spec. Sess.), ch. 47, sec. 8.

¹⁶ 1 Rev. Stat. 1852, ch. 31, secs. 11, 12.

¹⁷ Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

¹⁸ *Ibid.*, sec. 18.

¹⁹ Const. 1816, art. 6, sec. 2. Const., art. 2, sec. 13. Acts 1811, ch. 16, secs. 7, 9. Acts 1813-14, ch. 33, sec. 5. Acts 1815, ch. 8, sec. 1. Acts 1816-17, ch. 9, secs. 6-8, 11. 1817-18 (general), ch. 15, sec. 8. Rev. Laws 1824, ch. 35, secs. 6-8, 11. Rev. Laws 1831, ch. 32, secs. 6-8, 11. Rev. Stat. 1836, ch. 32, secs. 6-8, 13. Rev. Stat. 1843, ch. 5, secs. 30-33, 40, 41, 44. 1 Rev. Stat. 1852, ch. 31, sec. 17. Acts 1881 (Spec. Sess.), ch. 47, sec. 23.

²⁰ 1 Rev. Stat. 1852, ch. 31, sec. 3.

²¹ Acts 1859; Burns 65-105; Baldwin 16065.

²² Acts 1831 (Spec. Sess.), ch. 47, sec. 10.

²³ 1 Rev. Stat. 1852, ch. 31, sec. 4.

²⁴ Acts 1817-18 (general), ch. 15, sec. 2. 1 Rev. Stat. 1852, ch. 31, sec. 4.

²⁵ Acts 1881 (Spec. Sess.), ch. 47, secs. 11, 12.

²⁶ Acts 1889, ch. 87, secs. 18, 26.

²⁷ Const., art. 2, sec. 14 (as amended in 1881).

biennially in the even-numbered years.²⁸ The sheriff gives notice to electors by posting, at the usual polling places 15 days before election, a copy of a certificate of the clerk of the circuit court stating which officers are to be elected.²⁹ The constitution further provides that all elections by the people must be by ballot.³⁰ This provision does not prevent the use of voting machines³¹ (provided by the board of county commissioners).³²

The board of county commissioners establishes the precincts³³ and provides all polling places and ballot boxes³⁴ and the auditor furnishes blank pollbooks and other forms to the inspectors.³⁵

The county board of election commissioners supervises general elections;³⁶ and it prepares and distributes the printed ballots for the election of all officers to be voted for in Warrick County, other than those who are to be voted for by all the electors of the state.³⁷ The state ballots are furnished by the state board of election commissioners.³⁸ The names of the candidates are arranged on the county ballots by the election commissioners. Candidates nominated by convention or primary by parties casting one-half of one percent of the total vote of the state at the last preceding general election, and whose nominations have been duly certified to the clerk of the circuit court, are placed on the ballot under their respective party emblems. Candidates' names may be placed on the ballot by the petition of the required number (one-half of one percent of the total vote cast in the last preceding general election in the county) of qual-

²⁸ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

²⁹ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

³⁰ Const., art. 2, sec. 13.

³¹ Spickerman v. Goddard (1914), 182 Ind. 523, 107 N. E. 2.

³² Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148. Acts 1901, 1903; Burns 29-2404;

Baldwin 7352.

³³ Acts 1889; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin

7091.

³⁴ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1897; Burns 29-1121; Baldwin

7135.

³⁵ Acts 1889; Burns 29-808; Baldwin 7097.

³⁶ Acts 1889; Burns 29-1116, 29-1117, 29-1119, 29-1120; Baldwin 7130, 7131, 7133, 7134. Acts 1903; Burns 29-2407; Baldwin 7355. Acts 1901; Burns 29-2410, 29-2426, 29-2428; Baldwin 7358, 7374, 7376.

³⁷ Acts 1889; Burns 29-1002; Baldwin 7109.

³⁸ Acts 1889; Burns 29-1001; Baldwin 7108.

ified electors.³⁹ Political parties may be barred from the ballot if they advocate the overthrow, by force or violence, of the local, state, or national government. New parties must file, with the election commissioners in charge of the ballot or ballots on which they wish to appear, an affidavit declaring that they do not advocate such an overthrow.⁴⁰ The county board also prints and furnishes the ballot label for the voting machines.⁴¹

The election is conducted by the precinct election boards, consisting of one inspector and two election judges, who are appointed by the county board of election commissioners. No person is eligible to membership on the precinct election board if he has a wager on the result of the election or is a candidate or a relative of a candidate at that election. The township trustee is ex officio inspector in his own precinct. The other inspectors are nominated by the party casting the highest number of votes in the county for secretary of state in the preceding election. The two election judges must be of opposite political faith and are nominated by the county chairmen of the two major political parties. Other precinct officials—two election sheriffs, two poll clerks, and (if found necessary) two assistant poll clerks—are nominated and appointed in the same manner.⁴² For his services at general elections, the inspector is allowed \$8, each election judge and each clerk \$5, and the election sheriff \$3.⁴³ They are each allowed \$3 per day for their services for primary elections.⁴⁴ Each political party appoints one challenger and one pollbook holder for each precinct, who are paid for their services, by their respective party, an amount not to exceed \$3.⁴⁵

Since 1933 city⁴⁶ and township⁴⁷ elections have been held at the time of the general election. They are under the

³⁹ Acts 1897, 1919, 1933; Burns 29-1106; Baldwin 7120. Acts 1920 (Spec. Sess.); Burns 29-1107; Baldwin 7121. Board of Election Comrs. v. State ex rel. Sides (1897), 148 Ind. 675, 48 N. E. 226; State ex rel. Garn v. Board of Election Comrs. (1906), 167 Ind. 276, 78 N. E. 1016.

⁴⁰ Acts 1935; Burns, 1939 suppl., 29-1015; Baldwin, 1937 suppl., 7120-1.

⁴¹ Acts 1901; Burns 29-2410; Baldwin 7358.

⁴² Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096.

⁴³ Acts 1920 (Spec. Sess.), 1933; Burns 29-910; Baldwin 7155.

⁴⁴ Acts 1915; Burns 29-519; Baldwin 7205.

⁴⁵ Acts 1929; Burns 29-806; Baldwin 7095.

⁴⁶ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1801; Baldwin 11632.

⁴⁷ Acts 1933, 1935; Burns, 1939 suppl., 29-1901; Baldwin, 1935 suppl., 7250.

supervision of the county board of election commissioners,⁴⁸ as are all special elections.⁴⁹

Elections are open from six o'clock in the forenoon until four o'clock in the afternoon, after which time the precinct election board may close the election in any precinct at any time when all the electors of that precinct have voted, or when 15 minutes have passed without a vote having been cast in that precinct. Elections are open until six o'clock in the afternoon unless previously closed as aforesaid.⁵⁰

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all process in county elections and obeys orders of the board.⁵¹

Records of all general elections are placed in sealed bags and filed in the office of the clerk of the circuit court (who is a member of the board of election commissioners) for preservation as provided by statute.⁵²

290. [GENERAL ELECTION PAPERS], 1831-. In [Election Returns], entry 289.

Documents filed in general elections, including:

- i. Candidates' statements of expenses, showing date of statement, names of candidate and office, and itemized list of expenses.
- ii. General election inspectors' affirmations to comply with election laws, showing dates of affirmation, election and filing, names of inspector and voting place, and ward and precinct numbers.

291. [ABSENT VOTERS BALLOTS, GENERAL ELECTIONS], 1918-. In Absent Voters Ballot [Primary Elections], entry 286.

Record of absent voters' ballots in general elections, showing same information as in entry 286.

292. ELECTION RECORD [General Elections], 1900-1930. 1 vol. Discontinued.

Sample ballots and record of number of ballots printed,

⁴⁸ Acts 1933; Burns 29-1803; Baldwin 11635.

⁴⁹ Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881; Burns 29-1704; Baldwin 7249.

⁵⁰ Acts 1889, 1899; Burns 29-1103; Baldwin 7103.

⁵¹ Acts 1905; Burns 29-1408; Baldwin 7384.

⁵² Rev. Laws 1824, ch. 35, sec. 14. Acts 1920 (Spec. Sess.); Burns 29-912; Baldwin 7157. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447.

distributed and returned, showing dates of election and certification of inspector, names of candidates, inspector, election commissioners and township, precinct number, and number of ballots printed, distributed and returned. Also contains: [Primary Election Record], 1916-30, entry 288. Arr. chron. by dates of elections. No index. Hdw. 600 pp. 18 x 14 x 3. Clk. off.

XX. COUNTY BOARD OF EDUCATION

The board of education, as established by an act of 1873, which was amended in 1877, consists of the county superintendent of schools, the township trustees, and the chairman of the school board of each city and town of the county. Before 1877 all the school trustees of each town and township were also included as members of the board.¹

Semiannual meetings of the board are held at the office of the county superintendent of schools on the first day of May and September. A majority of the board members constitutes a quorum. The county superintendent presides at the meetings and casts his vote in the same manner as the other members.²

The board acts in an advisory capacity by determining and considering the wants and needs of the schools; provides for the maintenance of school property and purchase of furniture, books, maps, charts, and other supplies; determines any change of textbooks (except in cities); and has the care and management of township libraries. No textbook can be changed within three years after its adoption. During the next three years it can be changed only by unanimous vote of the board.³ The board may purchase textbooks from publishers and sell them to pupils at cost, plus the cost for handling the books, not to exceed 20 percent of the cost price,⁴ or rent them to pupils at not to exceed 25 percent of the retail price.⁵ Annually the board appoints an attendance officer

¹ Acts 1873, 1877; Burns 28-801; Baldwin 5983. *Opinions of the Attorney General of Indiana, 1933*, p. 551.

² Acts 1873, 1877; Burns 28-801; Baldwin 5983.

³ *Ibid.*

⁴ Acts 1921; Burns 28-614; Baldwin 6692.

⁵ Acts 1935; Burns, 1939 suppl., 28-638; Baldwin, 1935 suppl., 6692-1.

for the county known as "county attendance officer." If the board makes no such appointment, the county superintendent of schools serves as attendance officer.⁶

293. MINUTE BOOK, 1932—. 3 vols.

Minutes of meetings of board of education, showing date of meeting, names of members present, business discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 70 pp. 10 x 8 x ½. Supt. off.

XXI. COUNTY SUPERINTENDENT OF SCHOOLS

The superintendent of schools of Warrick County is a statutory officer elected for a four-year term by the township trustees, under the authority of an act of 1899 and amendments thereof, which increased his powers as defined in an act of 1873.¹ To be eligible to the office of superintendent of schools, a person must have had five years' successful experience as a teacher and hold a first or second grade superintendent's license.² The superintendent must post bond in the amount of \$5,000, approved by and filed with the auditor, and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.³

The county superintendent of schools receives from the county a regular salary of \$1,640 per year,⁴ but this amount may be increased by a vote of a majority of the township trustees.⁵ He also receives travelling expenses, not to exceed \$50 per month nor \$300 in any school year.⁶

For sufficient legal grounds the superintendent of schools may be removed from office by the circuit court after trial

⁶ Acts 1913, ch. 213, sec. 4. Acts 1921, 1932 (Spec. Sess.); Burns 28-501; Baldwin 6693.

¹ Acts 1873, ch. 25, secs. 3, 4, 6-8. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

² Acts 1927, ch. 142, sec. 1. Acts 1935; Burns, 1939 suppl., 28-701; Baldwin, 1935 suppl., 5933-1. Acts 1923; Burns 28-4209; Baldwin 5920.

³ Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068.

⁴ Acts 1933; Burns 49-1004; Baldwin 7534.

⁵ Acts 1933, 1939; Burns, 1939 suppl., 49-1014; Baldwin, 1939 suppl., 7544. *Opinions of the Attorney General of Indiana, 1938*, p. 126.

⁶ Acts 1911, 1921; Burns 28-708; Baldwin 5936.

by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁷ If the superintendent of schools is convicted of a felony, the judgment of conviction must declare his office vacant.⁸

When any vacancy occurs in the office of county superintendent of schools, the township trustees, on notice given by the county auditor, meet in the office of the auditor and elect a person to fill the vacancy for the unexpired term. The auditor is the clerk in such election, and in case of a tie vote he casts the deciding vote.⁹

The county superintendent of schools, with the approval of the township trustees, may appoint an assistant. Such assistant is employed for a number of days, and his compensation is fixed by the township trustees.¹⁰

An act of 1838 provided for the annual appointment, by the judge of the circuit court, of three county school examiners, to examine and license common school teachers.¹¹ A superseding act of 1843 (repealed in 1852) provided that the school examiners be appointed for indefinite terms.¹² An act of 1852 authorized the state superintendent of public instruction, in person or by deputy, to examine and license teachers.¹³ An act of 1853 authorized the board of commissioners to appoint, annually, one to three school examiners for the county, each to serve for a one-year term. These county school examiners examined and licensed common school teachers and were required to keep records of the licenses issued and to make an annual report to the state superintendent of public instruction.¹⁴ Acts of 1861 and 1865, superseding the act of 1853, provided for the appointment of one county school examiner for a three-year term.¹⁵ An act of 1873 changed the officer's title to "county superintendent", transferred to the township trustees

⁷ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1899; Burns 28-703; Baldwin 5932. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁸ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁹ Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

¹⁰ Acts 1911, 1921; Burns 28-709; Baldwin 5937.

¹¹ Rev. Stat. 1878, ch. 94 (14), secs. 3, 5, 6.

¹² Rev. Stat. 1843, ch. 15, secs. 133-135 (repealed by 1 Rev. Stat. 1852, ch. 92, sec. 1).

¹³ 1 Rev. Stat. 1852, ch. 98, sec. 85.

¹⁴ Acts 1853, ch. 106, secs. 6-8.

¹⁵ Acts 1861, ch. 41, secs. 32, 33. Acts 1865, ch. 1, secs. 33-43.

the power of appointment, made the county superintendent more responsible to the state superintendent of public instruction, and gave the county superintendent advisory supervision of the schools of the county.¹⁶ An act of 1927 changed the title of this officer to "county superintendent of schools."¹⁷ An act of 1923 gave the state board of education exclusive jurisdiction to license school superintendents, supervisors, principals, teachers, attendance officers, and other regular school employees.¹⁸

The county superintendent of schools exercises general supervision of the schools outside the incorporated cities and towns of Warrick County;¹⁹ visits the schools in session, at least once each year, for the purpose of increasing their usefulness and raising their standards as uniformly as practicable; carries out the orders of the state board of education and the state superintendent of public instruction;²⁰ nominates an attendance officer to be appointed by the county board of education;²¹ conducts county teachers' institutes;²² conducts and presides over township institutes;²³ reports to the school corporations as to teachers' preparation, experience, and license before they are employed;²⁴ provides for the examination of applicants for graduation from township, district, and town common and high schools, and furnishes the certificates of graduation; attends commencements of township and town common and high schools;²⁵ examines and verifies certificates, presented by township trustees, for aid from the state common school relief fund;²⁶ inspects the official dockets, records, and books of accounts of the clerks of courts, county auditor, board of commissioners, justices of the peace, prosecuting attorneys, mayors of cities, and township and school trustees to ascertain if any of said officers have neglected

¹⁶ Acts 1873, ch. 25, secs. 2-4.

¹⁷ Acts 1927, ch. 142, secs. 1, 2. Acts 1935, ch. 258, secs. 1, 2.

¹⁸ Acts 1923; Burns 28-4201 to 28-4217; Baldwin 5912 to 5928. Interview of November 14, 1939 with Floyd I. McMurray, state superintendent of public instruction.

¹⁹ Acts 1899; Burns 28-705; Baldwin 5940. Acts 1873; Burns 28-1401; Baldwin 5973.

²⁰ Acts 1921; Burns 28-305; Baldwin 5939. Acts 1899; Burns 28-704; Baldwin 5938.

²¹ Acts 1921, 1932 (Spec. Sess.); Burns 28-501; Baldwin 6693.

²² Acts 1907, 1929, 1933; Burns 28-4402; Baldwin 6725.

²³ Acts 1899; Burns 28-704; Baldwin 5938.

²⁴ Acts 1927, 1933; Burns 28-4309; Baldwin 6005.

²⁵ Acts 1899; Burns 28-706; Baldwin 5942.

²⁶ Acts 1933; Burns 28-903, 28-904; Baldwin 6433, 6434.

to collect and pay to the school funds any revenues belonging to such funds, and institutes judicial proceedings when such neglect is found.²⁷ He is ex officio member of the county board of education and presides at its meetings. This board meets semiannually on the first day of May and September.²⁸

The county superintendent of schools keeps a complete record of licenses held by all regular school teachers of the county (other than teachers of town and city schools), date of employment, their success grades, and the monthly or annual salary of each.²⁹ He makes an annual report to the state superintendent of public instruction concerning the enumeration of school children in the county, townships, and towns or cities. He also reports statistics and other information relative to the condition of the schools, schoolhouses, and general progress of education.³⁰

REPORTS

294. TRUSTEES' REPORTS, 1919-. 3 f. b.

Township trustees' annual reports to school superintendent of receipts and disbursements of township school revenues, showing dates of report and filing, dates and amounts of receipt and disbursement, total amounts debited and credited to each fund, and balance. Arr. chron. by dates of filing. No index. Hdw. 10 x 4 x 14. Supt. off.

295. HIGH SCHOOL REPORT FOR, 1921-. 2 f. b.

High school principals' annual reports to county school superintendent on curriculums of high school students, showing date of report, names of principal and teaching staff, data on subjects scheduled, and number and classification of pupils enrolled. Arr. chron. by dates of reports. No index. Hdw. 10 x 4 x 14. Supt. off.

296. STATE AID, 1925-. 4 f. b.

Copies of reports of state superintendent of public instruction to county superintendent of apportionment of state aid school revenue, showing date of report, school year, name of township or school corporation, school per capita, and amount of apportionment. Arr. chron. by dates of reports. No index. Hdw. 10 x 4 x 14. Supt. off.

²⁷ Acts 1873; Burns 28-712; Baldwin 5950.

²⁸ Acts 1873, 1877; Burns 28-801; Baldwin 5983.

²⁹ Acts 1923; Burns 28-4217; Baldwin 5928.

³⁰ Acts 1865, 1873, 1895; Burns 28-714; Baldwin 5948.

297. ANNUAL SCHOOL REPORTS, 1930-. 1 f. b.

Copies of superintendent's annual financial and statistical reports to state superintendent of public instruction, showing date of report, name of township or school corporation, amounts of receipts and disbursements, nature of expenditures, total operating cost, number of pupils enrolled, total daily attendance, number of employees, amount of salaries, rate of school tax, and valuation of all school property. Arr. chron. by dates of reports. No index. Typed. 10 x 4 x 14. Supt. off.

298. INSPECTION, 1928-. 1 f. b.

Annual reports on school inspection, showing dates of report and inspection, names of school and inspector, schedule of studies and programs, statistics on teaching staff, supervision and administration, conditions of buildings, grounds, furnishings and equipment, and inspector's recommendations. Arr. chron. by dates of reports. No index. Hdw. 10 x 4 x 14. Supt. off.

TEACHERS

299. TEACHERS' LICENSE APPLICATION BLANKS, 1926-. 1 f. b.

Teachers' applications for permits to teach additional subjects, showing date of application, name, age, experience and qualifications of teacher, kind of license held, and names of additional subjects requested. Arr. alph. by names of teachers. No index. Typed. 10 x 4 x 14. Supt. off.

300. RECORD OF TEACHERS' TRAINING AND LICENSE, 1923-. 8 f. b.

Card file of teachers' qualifications, showing name, age, experience and qualifications of teacher, name of college attended, date of graduation, and nature of degree. Arr. alph. by names of teachers. No index. Typed. 10 x 4 x 14. Supt. off.

301. TEACHERS' QUALIFICATION CARDS, 1930-. 1 f. b.

Card file record of teachers' qualifications, showing date and kind of license, and name, age, training and teaching experience, and address of teacher. Arr. alph. by names of teachers. No index. Hdw. 10 x 4 x 14. Supt. off.

302. TEACHERS' APPROVAL CARDS, 1931-. 1 f. d.

Card file of licensed teachers, showing name, age, address, training and teaching experience, and number and kind of license. Arr. alph. by names of teachers. No index. Hdw. 2 x 9 x 15. Supt. off.

303. RECORD OF TEACHERS' EXAMINATIONS, 1906-23. 1 vol.

Record of teachers' examinations, showing date of examination,

name and address of teacher, subject and scholastic qualifications, and date and kind of license. Arr. chron. by dates of examinations. No index. Hdw. 245 pp. 16 x 10 x 1. Supt. off.

PUPILS

304. RECORD OF GRADUATES OF COMMON AND HIGH SCHOOL, 1884-. 4 vols.

Record of common and high school graduates, showing dates of entrance and graduation, names of school, student and parents or guardian, age and date and place of birth of student, scholarship attendance, character, achievement and intelligence tests, extra courses taken, nature of employment, physical condition of student, and recommendations. Arr. chron. by dates of graduations. No index. Hdw. 175 pp. 16 x 10 x 1. Supt. off.

305. HIGH SCHOOL PERMITS, 1929-. 1 f. b.

Township trustees' permits for transfer of students, showing date of permit, reason for transfer, name, age, sex and address of student, names of township and school, and amount of tuition. Arr. chron. by dates of permits. No index. Hdw. 10 x 4 x 14. Supt. off.

306. TEACHERS' REPORTS TO SUPERINTENDENT, 1930-. 16 bdl.

Teachers' reports on grades and health of pupils, showing date of report, name, age, grade and health status of pupil, and name of teacher. Arr. chron. by dates of reports. No index. Hdw. 16 x 6 x 10. Supt. off.

307. REPORT OF ATTENDANCE, 1930-. 10 f. b.

Teachers' reports on aggregate attendance for establishment of basis for apportionment of school revenue, showing date of report, names of township or school corporation and pupil, number of days present and absent, and reason for absence. Arr. chron. by dates of reports. No index. Hdw. and typed. 10 x 4 x 14. Supt. off.

For prior records, see entry 308.

308. RECORD OF ENUMERATION OF SCHOOL CHILDREN IN WARRICK COUNTY, 1894-1932. 5 vols., 8 f. b.

Record of enumeration of school children for establishment of basis for apportionment of school revenue, showing date of enumeration, names of township, school corporation, child and parents, and age, race, sex and address of child. Arr. alph. by names of children. No index. Hdw. Vols., 100 pp. 14 x 8 x 1; f. b., 10 x 4 x 14. Supt. off.

For subsequent records, see entry 307.

MAPS

309. WARRICK COUNTY, 1922. 1 map.

Political map of Warrick County, showing date of map, names and locations of incorporated towns, names and boundary lines of townships, numbers and boundary lines of precincts, section and range numbers, and locations of public buildings and parks. Drawn by Ansley I. May. Published at Boonville. Black and white. Scale: 2" to 1 mi. 48 x 42. Supt. off.

XXII. COUNTY HEALTH OFFICER

The health officer of Warrick County is a part time statutory official appointed for a four-year term by the board of commissioners, with the approval of the state board of health, under the authority of an act of 1935. He must be a regularly licensed physician, suitably trained in sanitary science and hygiene.¹ His duties are under the supervision of a full time health officer for the health district composed of Warrick County, Posey, Gibson, and Pike Counties.² He must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.³

He receives an annual salary in an amount equal to three cents for each county resident, exclusive of the residents of any city having a health officer, provided that his salary must be between \$200 and \$1,800 per year.⁴ With the approval of the board of commissioners and the state board of health he is permitted to receive gifts and other financial assistance.⁵

He may be removed from office by the board of commissioners or the state board of health. Any vacancy in office

¹ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118, 35-124; Baldwin, 1935 suppl., 8404-1, 8404-7. Interview of September 5, 1939 with Dr. Verne K. Harvey, director of the state board of health.

² Acts 1935; Burns, 1939 suppl., 35-125; Baldwin, 1935 suppl., 8404-6. Interview of November 13, 1939 with Dr. Verne K. Harvey, director of the state board of health.

³ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁴ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1. *Opinions of the Attorney General of Indiana, 1938*, p. 17.

⁵ Acts 1935; Burns, 1939 suppl., 35-127; Baldwin, 1935 suppl., 8404-10.

is filled by appointment by the board of commissioners, with the approval of the state board of health.⁶

Since the early days of the county the court or board doing county business has been authorized to appoint inspectors of flour, beef, pork, salt, hay, and tobacco.⁷ Such appointments may be found in the early records.⁸

From 1881 to 1909 the board of commissioners constituted, ex officio, the county board of health, and annually appointed a secretary who was a physician and served as county health officer. The law provided that the secretary must render medical and surgical services to inmates of the county jail and any other medical services required of him by the board of commissioners.⁹ An act of 1891 enlarged the duties of the board.¹⁰ In 1909 the county board of health was abolished and the office of county health commissioner (appointed for a four-year term by the board of commissioners) was established. This office continued until January 1, 1938, when the act of 1935 (the present law) became effective.¹¹

The county health officer protects and supervises the general health and sanitation of the county, outside of incorporated cities having a full time health officer;¹² enforces the health laws of the state and the rules and regulations of the state board of health;¹³ oversees inspection of food and drugs; endeavors to promote sanitary conditions for the sale of food;¹⁴ condemns buildings unfit for human habitation;¹⁵ sends samples of water to the state laboratory for inspection,

⁶ Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

⁷ Const. 1816, art. 12, sec. 4. Acts 1813, ch. 19, secs. 1, 2. Acts 1816-17, ch. 11, sec. 4. Acts 1818-19, ch. 15, sec. 1. Rev. Laws 1824, ch. 109, sec. 4. Rev. Laws 1831, ch. 50, secs. 1-6. Rev. Stat. 1838, ch. 53. Rev. Stat. 1843, ch. 27. 1 Rev. Stat. 1852, ch. 55, sec. 1. 1 Rev. Stat. 1852; Burns 35-1901; Baldwin 9468. Acts 1857; Burns 67-308; Baldwin 9461.

⁸ Common Plea, Probate, Circuit Court, and Commissioners' Court Records (June 1813 to September 1831) 5:373, 375, 468. Commissioners' Record 1:1.

⁹ Acts 1881, ch. 19, sec. 8.

¹⁰ Acts 1891, ch. 15, sec. 8.

¹¹ *Ibid.*, secs. 8, 10. Acts 1909, ch. 144, secs. 4, 6. Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

¹² Acts 1935 (effective January 1, 1938); Burns, 1939 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.

¹³ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

¹⁴ Acts 1909; Burns 35-1009; Baldwin 8512. Acts 1907; Burns 35-1207; Baldwin 8476.

¹⁵ Acts 1917; Burns 35-1801; Baldwin 8563.

in order to detect pollution of watercourses;¹⁶ makes inspections of public buildings and institutions; investigates the presence, source, and cause of disease; establishes quarantine; closes schools and churches and forbids public gatherings, in order to prevent the spread of epidemics; protects the public health in all reasonable and necessary ways;¹⁷ refers cases of indigent persons bitten by a dog, known or supposed to have hydrophobia, to the state board of health for the Pasteur treatment;¹⁸ orders hydrophobia infected animals quarantined or killed;¹⁹ and, in case there is danger of the outbreak or spread of hydrophobia, he, with the aid of the sheriff, muzzles or quarantines all dogs and other animals within his jurisdiction.²⁰

The county health officer each week mails to the state board of health a report summarizing all cases of contagious diseases. If there are no cases to report, he mails a printed blank marked "no cases reported."²¹

The county health officer collects, records, and reports the vital statistics of the county; issues burial permits;²² and keeps full and permanent records of the public health work and of his reports. He makes monthly reports of his work to the state board of health.²³ He prepares and delivers to the clerk of the circuit court, on his request therefor, a list of the names and last known addresses of deceased voters.²⁴

VITAL STATISTICS

310. RECORD OF BIRTHS, 1882-. 15 vols. 1

Record of births in county outside of incorporated cities and towns, showing dates of birth and report, name, sex and color of child, names and ages of parents, and name of attending physician. Arr. chron. by dates of births. Indexed alph. by names of children. Hdw. 200 pp. 18 x 12 x 1. Hlth. offr. off.

¹⁶ Acts 1909; Burns 35-201; Baldwin 8410. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

¹⁷ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

¹⁸ Acts 1911; Burns 35-706; Baldwin 3859.

¹⁹ Acts 1911; Burns 35-707; Baldwin 3860.

²⁰ Acts 1911; Burns 35-708; Baldwin 3861.

²¹ Acts 1907, 1913; Burns 35-115, 35-116; Baldwin 8398, 8399. Rule 6 of State Board of Health.

²² Acts 1891, 1909; Burns 35-111; Baldwin 8405. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

²³ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

²⁴ Acts 1933; Burns 29-321; Baldwin 7319.

311. RECORD OF DANGEROUS DISEASE TO PUBLIC, 1883-. 3 vols. Record of contagious and infectious diseases, showing case number, name, address, age, sex and race of patient, nature of disease, dates disease reported, quarantine established and released, and name of person reporting. Arr. num. by case nos. Indexed alph. by names of patients. Hdw. 150 pp. 18 x 12 x 1. Hlth. offr. off.

312. RECORD OF MARRIAGES, 1882-. 7 vols. (1-5, and 2 vols. not numbered). Last entry May 26, 1923. Record of returns of marriage certificates, showing dates of marriage, return and recording, names, addresses, ages, color, occupations, places of birth and marital status of bride and groom, names of parents and witnesses, and name and title of person officiating. Arr. chron. by dates of marriages. Indexed alph. by names of grooms. Hdw. 300 pp. 18 x 12 x 2½. Hlth. offr. off.

For other marriage records, see entries 36-39.

313. RECORD OF DEATHS, 1885-. 8 vols. Record of death returns outside of incorporated cities and towns, showing dates of death and return, name, age, sex, color and occupation of decedent, duration and nature of illness or cause of death, names of attending physician and undertaker, and place of burial. Arr. chron. by dates of returns. Indexed alph. by names of decedents. Hdw. 200 pp. 18 x 12 x 2. Hlth. offr. off.

XXIII. PUBLIC HEALTH NURSE

Warrick County has a full time public health nurse, under the permissive provisions of an act of 1935, who is appointed for an indefinite term by the board of commissioners (subject to the approval of the Indiana State Board of Health). The nurse must be "legally qualified" and have been trained in sanitary science and public health. The expenses of the office are paid from county and state funds.¹

The nurse supervises and protects the general health and sanitation in Warrick County; co-operates with the county health officer, school officials, and the county medical society; conducts classes for mothers and classes concerning nutrition, home hygiene, and care of the sick; administers

¹ Acts 1935; Burns, 1939 suppl., 35-118, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-6.

nursing services during the ante-partum and post-partum periods of maternity cases to women in families of the indigent and low income groups; performs such other duties as may be prescribed by the state board of health; keeps records of her work; and makes a quarterly report to the state board. Her work is supervised by a superintendent nurse for the health district composed of the counties of Gibson, Pike, Posey, and Warrick.²

314. SCHOOL RECORD, 1934-Apr. 1935, June 1937-. 1 f. d. Record of examinations and immunizations of school children, showing dates of examination and immunization, name, age, color and physical condition of child, names of parents and school, and disease record. Arr. alph. by names of children. No index. Hdw. and typed. 12 x 12 x 18. Pub. hlth. nurse off.

315. OPEN CASES, 1937-. 21 f. b.

Record and data on supervision of open cases by public health nurse, including:

- i. History of families under supervision of nurse, showing date of registration, names, ages, sex, color and address of family, names, ages and sex of children, memoranda of economic, social and sanitary conditions, and complete summary of health and death record.
- ii. History of supervision of maternity cases, showing dates of visits, names, ages, color, address and birth-places of parents, name and address of attending physician, name of person referring case, memoranda on results of visits, and complete data of parental and subsequent supervision.
- iii. History of supervision of infants, showing dates of birth and visits of nurse, name, sex, color and birth-place of infant, names and address of parents, and complete medical history of mother.
- iv. History of supervision of crippled children, showing dates of visits, name, age, sex and color of child, names, address and occupations of parents, memoranda on results of visits, and complete health data of child.
- v. History of supervision for tuberculosis control, showing dates of examination, treatment and discharge, name, age, sex, color, marital status and address of patient, data relative to possible source of infection,

² Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6. Interview of November 2, 1939 with Dr. Verne K. Harvey, director of the state board of health.

physician's diagnosis, hospital and clinic treatments, and reason for discharge.

- vi. History of supervision of morbidity cases, showing dates of visits and discharge, name, date of birth, sex, color, address and occupation of patient, name of physician, nature of illness, and complete data of case.
- vii. History of supervision of epidemic cases, showing dates of infection, quarantine and visits, name, age, sex, color and address of patient, names, ages and occupations of members of family, name of physician, nature of illness, and data of case.
- viii. History of pre-school supervision of children, showing dates of visits, name, age, sex, color and birth-place of child, names, ages, address and occupations of parents, name of person referring case, data relative to food, general habits, observation and conferences, and recommendations of nurse.

Arr. chron. by dates of visits. No index. Hdw. 9 x 10 x 18.
Pub. hlth. nurse off.

316. OFFICIAL TYPHOID IMMUNIZATION, MOTHERS' CLASSES, MANTOUX [Tests], 1937-. 1 f. b.

Documents pertaining to immunization, mothers' classes and Mantoux tests, including:

- i. Lists of persons immunized against typhoid and diphtheria, showing date of immunization, name, age, sex, color and address of person treated, and name of physician. Arr. chron. by dates of immunizations.
- ii. Lists of expectant mothers attending classes, showing date of attendance, name and address of attendant, number of previous children, and name of attending physician. Arr. chron. by dates of attendance.
- iii. Lists of children given Mantoux test for tuberculosis, showing date of test, name, age, sex and color of child, names and address of parents, and memoranda of results. Arr. chron. by dates of tests.

No index. Hdw. 5 x 3 x 18. Pub. hlth. nurse off.

317. DAILY REPORTS, 1937-. 1 f. b

Reports of public health nurse to county, including:

- i. Reports of visits made to school children during summer months, showing date of report, name, age, date of birth, physical condition and record of medical attendance of child, name of school attended and

examination record, and recommendations of nurse.

11. Reports on visits made, 1938-, showing date of report, name and address of school or person visited, district and code numbers, number of pupils or persons examined, and recommendations of nurse.

Arr. chron. by dates of reports. No index. Hdw. 6 x 9 x 18.
Pub. hlth. nurse off.

XXIV. COUNTY DEPARTMENT OF PUBLIC WELFARE

The department of public welfare of Warrick County was created in 1936. Its affairs are administered by the county board of public welfare and a county director of public welfare.¹ The department is a legal entity, and its official name is "The County Department of Public Welfare of Warrick County." It may sue and be sued in that name.²

Before the present system of welfare was organized, the county administered aid to the poor and needy through discretionary powers granted to the county. County asylums were established at an early date to care for those who were without homes and means to care for themselves.³ An act of 1857 authorized the board of commissioners to give aid to needy blind and infirm poor.⁴ In 1901 the board of children's guardians was established in the county to provide adequate care and supervision of neglected and dependent children.⁵ The board of county charities and corrections (organized in 1899) inspected and advised changes in the county institutions.⁶ A system of old-age pensions was provided for by an act of 1933.⁷ These previous methods of welfare assistance were merged into the present welfare law.⁸

¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1117 to 52-1119, 52-1126; Baldwin, 1937 suppl., 14078-18 to 14078-20, 14078-27.

² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122(a); Baldwin, 1937 suppl., 14078-23.

³ Const. 1816, art. 9, sec. 4. Const., art. 9, sec. 3. Rev. Stat. 1843, ch. 19, sec. 34. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360. Acts 1901; Burns 52-104; Baldwin 13361.

⁴ Acts 1857; Burns 26-1202; Baldwin 5295.

⁵ Acts 1901, 1923, 1927; Burns 22-2801, 22-2802; Baldwin 5684, 5685.

⁶ Acts 1899; Burns 22-2901 to 22-2903; Baldwin 4116 to 4118.

⁷ Acts 1933, ch. 36, secs. 1-27 (all repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

⁸ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1121, 52-1410; Baldwin, 1937 suppl., 14078-22, 14078-122.

The county board of public welfare consists of five members appointed for four-year terms by the judge of the circuit court. Each member serves until his successor has been appointed and qualified. The members must have been residents of the county for at least two years before appointment, must have a definite and recognized interest in public welfare, and must take an oath of office. The judge of the circuit court may, at any time, after due notice in writing, remove any member of the board for misconduct, incapacity, or neglect of duty. At least two of the board members must be women, and not more than three members may be adherents of the same political party. Regular meetings are held once a month. The August meeting is known as the annual meeting. Other meetings may be held pursuant to call. Three members of the board constitute a quorum for transacting business.⁹

The members of the county board of public welfare serve without compensation, but each member is entitled to receive five cents per mile for each mile actually and necessarily travelled in attending board meetings and state conventions of county board members.¹⁰

Executive and administrative work of the county department of public welfare is carried on by the county director of public welfare. He is appointed by the county board of public welfare solely on the basis of merit (from eligible lists established by the state department of public welfare) and serves as secretary of the board. He must have resided in the county at least two years before appointment, unless no qualified person is available. He must take an oath of office and post bond, in an amount fixed by the state department, not exceeding \$5,000, to be approved by the judge of the circuit court and filed in the office of the clerk of the circuit court. He may be removed from office by the state department of public welfare if his prescribed duties, functions, and activities are not performed in compliance with the statute.¹¹

The county director of public welfare receives a salary in an amount fixed by the county board of public welfare, within the salary ranges established by the state department.

⁹ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

¹⁰ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

¹¹ Const., art. 15, sec. 4. 1 Rev. Stat. 8852; Burns 49-101; Baldwin 13054. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

He also receives five cents per mile for each mile necessarily travelled in the discharge of his duties.¹²

The county director, with the approval of the county board, appoints the assistants in the department, from eligible lists compiled by the state department of public welfare, and determines the salaries of these assistants. Each assistant must have been a resident of the county for at least two years prior to his appointment, unless a qualified person cannot be found.¹³

Subject to the rules and regulations prescribed by the state department of public welfare, the county department is charged by statute with the administration of assistance to dependent children in their own homes, old-age assistance, the care and treatment of dependent, neglected, and handicapped children and children in danger of becoming delinquent, and services and assistance to the blind and to persons otherwise handicapped. The state and county departments also administer provisions and benefits of the federal "Social Security Act" of August 14, 1935. The county director performs duties of probation officer of the circuit court, when so directed by the circuit court. The county department reports to the state department as directed by the state department. Necessary quarters for the county department must be provided by the board of commissioners.¹⁴

Expenditures for welfare assistance and administrative expenses (including rent of office quarters) of the county department are paid from the county welfare fund raised by a separate tax levy,¹⁵ to which are added such repayments as may be made under legal liability by recipients, their parents, children, or other persons liable for their support.¹⁶ Old-age assistance certificates, filed with the recorder, establish liens against estates of recipients to insure reimbursement.¹⁷ The county receives funds from the state, to the

¹² Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20. Interview of August 14, 1939 with Thurman A. Gottschalk, administrator of the state department of public welfare.

¹³ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1123; Baldwin, 1937 suppl., 14078-24.

¹⁴ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1113, 52-1120; Baldwin, 1937 suppl., 14078-14, 14078-21.

¹⁵ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120, 52-1301; Baldwin, 1937 suppl., 14078-21, 14078-98.

¹⁶ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

¹⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

extent of 50 percent of the amount expended by the county department, and a part of any federal funds granted to the state, to be paid into the county welfare fund.¹⁸ All claims for administrative expenses are subject to allowance by the board of commissioners. Claims for assistance are determined by the department and approved by the director, and need not be allowed by the board of commissioners.¹⁹ The county board of public welfare may accept gifts of personal property or income from real estate, for the homes or support of dependent children.²⁰

The auditor keeps the records relating to the county welfare fund and its financial transactions.²¹ The county department keeps such records and accounts relating to assistance as the state department of public welfare prescribes.²² All records are confidential, except the following: (a) Application for assistance, (b) awards, and (c) modification and revocation of awards.²³

Since the early days of the county, poor relief has been administered by township overseers of the poor (now the township trustee), from funds raised by township tax levies. Such poor relief is separate and distinct from the public welfare system discussed above, but the two systems are often confused by the public.²⁴

PROCEEDINGS

318. MINUTE BOOK, 1936-. 1 vol.

Minutes of meetings of board of public welfare, showing date, place and time of meeting, names of members present, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index. Typed. 600 pp. 13 x 18 x 3. Pub. welf. off.

¹⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1219, 52-1249, 52-1254; Baldwin, 1937 suppl., 14078-50, 14078-80, 14078-85. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1124a; Baldwin, 1937 suppl., 14078-24a.

¹⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1124; Baldwin, 1937 suppl., 14078-25.

²⁰ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122(b); Baldwin, 1937 suppl., 14078-23.

²¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1401; Baldwin, 1937 suppl., 14078-113.

²² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1260; Baldwin, 1937 suppl., 14078-91.

²³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1262; Baldwin, 1937 suppl., 14078-93.

²⁴ Const. 1816, art. 12, sec. 4. Acts 1807, ch. 23, secs. 1-31. Acts 1816-17, ch. 26, sec. 1. Acts 1817-18 (general), ch. 14, secs. 1-24. Rev. Laws 1824, ch. 15, sec. 7; ch. 72, secs. 1-25. Rev. Laws 1831, ch. 69, secs. 1-27. Rev. Stat. 1838, ch. 20, sec. 20. Rev. Stat. 1843, ch. 5, sec. 69. 1 Rev. Stat. 1852, ch. 81, secs. 1-38. Acts 1901, ch. 147, secs. 1-39. Acts 1935; Burns, 1939 suppl., 52-145 to 52-182a; Baldwin, 1935 suppl., 13320-2 to 13359-12.

319. RECOMMENDATION OF COUNTY DIRECTORS OF PUBLIC WELFARE AS TO REJECTIONS, AWARDS AND REVOCATIONS, 1936-. 1 vol.

Record of recommendations of county director and action of county board on applications for assistance to the aged, the blind, and dependent children, showing date of meeting, name of applicant, application number, and amount of award. Arr. num. by application nos. No index. Typed. 75 pp. 11 x 15 x 1. Pub. welf. off.

320. [APPOINTMENT FOR STAFF POSITION], 1936-. 1 vol.

Copies of reports of appointments of staff members by county directors to state department of public welfare and county auditors, showing dates of report, filing and approval, effective date of employment, name, address, salary and rate per mile travelling allowance of member, and names of eligibles from which appointment is made. Arr. chron. by dates of filing. No index. Hdw. 150 pp. 8½ x 11 x 1. Pub. welf. off.

321. [AUTHORIZATION TO ADMINISTER OATHS], 1936-. 1 vol.

Copies of authorizations to administer oaths and affirmations for public welfare purposes granted to employees and officers by board of public welfare, showing dates of authorization, oath and filing, name and position of person authorized, duration and conditions of authorization, oath of person authorized, and authorization number. Arr. alph. by names of persons authorized. No index. Hdw. 100 pp. 8½ x 13 x 1. Pub. welf. off.

OLD-AGE ASSISTANCE

(See also entries 97, 98)

322. [CARD INDEX OF ALL APPLICATIONS], 1936-. 1 f. d.

Index to Register of Applications for Assistance, entry 323; [Applications for Assistance to Dependent Children], entry 330; [Foster Home Applications], entry 331; Application Register, entry 335, showing date and number of application, name and address of applicant, and action taken. Arr. alph. by names of applicants. Typed. 12 x 6 x 16. Pub. welf. off.

323. REGISTER OF APPLICATIONS FOR ASSISTANCE, 1933-. 2 vols.

Register of applications for old-age assistance, showing date and number of application, name age, sex and address of applicant, name of visitor, action of board, and amount of award. Arr. num. by application nos. For index, see entry 322. Hdw. 200 pp. 9 x 15 x 1½. 1 vol., 1933-May 1936, aud. off.; 1 vol., June 1936-, pub. welf. off.

324. CASES PENDING, 1936-. 1 f. d.

Applications for assistance pending investigation and action of board, showing date and number of application, and names of applicant and visitor assigned. Arr. num. by application nos. No index. Hdw. 12 x 12 x 24. Pub. welf. off.

325. ACTIVE CASES, 1936-. 1 f. d.

Documents in active old-age assistance cases, including applications, record of applicants, investigators' reports and certificates of award, showing date of document, name of applicant, application number, family history, and amount of award. Arr. num. by application nos. No index. Hdw. 12 x 12 x 24. Pub. welf. off.

326. IN-ACTIVE CASES, 1936-. 1 f. d.

Documents in inactive old-age assistance cases, including applications, record of applicants, investigators' reports and certificates of award, showing same information as in entry 325. Arr. num. by application nos. No index. Hdw. 12 x 12 x 24. Pub. welf. off.

327. RECORD OF ASSISTANCE GIVEN AGED PERSONS, 1936-.
2 vols.

Record of assistance given aged persons, showing application number, name of recipient, amounts of assistance paid, interest on payments, burial expenses and assistance recovered at recipient's death, date, amount and warrant number for each payment, assignments of life insurance policies, number of policy, and name of insurance company. Arr. num. by application nos. No index. Hdw. 9 x 14 x 1. Pub. welf. off.

328. [ASSIGNMENT REGISTER], 1936-. 1 vol.

Record of assignments of life insurance policies and other assets of recipients of old-age assistance, showing application number, name of applicant, date and number of insurance policy, name and address of insurance company, description and valuation of other personal assets, and location, description and valuation of real property. Arr. num. by application nos. No index. Hdw. 150 pp. 12 x 15 x 1. Pub. welf. off.

329. [MONTHLY STATISTICAL REPORTS], 1936-. 1 vol.

Monthly statistical reports on applications for old-age assistance, showing date of report, application number, name and sex of applicant, kind of application, action taken, number of applications received, granted and rejected during month, pending from previous month, transferred from other counties, and number of open cases. Arr. chron. by dates of reports. No index. Typed. 100 pp. 9 x 15 x 1. Pub. welf. off.

DEPENDENT CHILDREN

330. [APPLICATIONS FOR ASSISTANCE TO DEPENDENT CHILDREN], 1936-. 1 vol.

Register of applications for assistance to dependent children, showing dates of application and filing, application number, names of parents, guardian or other person *in loco parentis*, nature of case, and action of board. Arr. num. by application nos. For index, see entry 322. Hdw. 150 pp. 9 x 15 x 1. Pub. welf. off.

331. [FOSTER HOME APPLICATIONS], 1936-. 1 vol.

Register of applications for placement of children in foster homes, showing date and number of application, names of applicant, child and visitor assigned, kind of home, and date of approval or rejection. Arr. num. by application nos. For index, see entry 322. Hdw. 100 pp. 9 x 15 x 1. Pub. welf. off.

332. RECORD OF ASSISTANCE GIVEN DEPENDENT CHILDREN, 1936-. 2 vols.

Record of assistance awards to dependent children, showing application and certificate of award numbers, names of child and parents, guardian or other person *in loco parentis*, amount of award, and date, number and amount of warrant. Arr. num. by application nos. No index. Hdw. 50 pp. 9 x 15 x ½. Pub. welf. off.

333. [RECORD FOR SERVICES FOR CRIPPLED CHILDREN], 1937-. 1 vol.

Record of services rendered and claims paid for crippled children, showing dates of application, claim and warrant, names and addresses of child, parents, guardian or person *in loco parentis*, name and address of institution, memoranda of service rendered, application and warrant numbers, and amounts of claim and warrant. Arr. num. by application nos. No index. Hdw. 100 pp. 9 x 15 x 1. Pub. welf. off.

334. [MONTHLY STATISTICAL REPORTS ON AID TO DEPENDENT CHILDREN], 1936-. 1 vol.

Monthly statistical reports of applications for aid to dependent children, including:

- i. List of applications pending from previous month and received this month, showing date of report, names of parents, guardian or person *in loco parentis*, status of applicant, and disposition of case.
- ii. Summary of applications and open case load, showing date of report, number of applications pending from

previous month, received and disposed of during month, manner of disposal, and amounts of payments made. Arr. chron. by dates of reports. No index. Typed. '100 pp. 9 x 15 x 1. Pub. welf. off.

BLIND

335. APPLICATION REGISTER, 1936-. 1 vol.

Register of applications for assistance to blind, showing dates of application and action, name, age, sex and address of applicant, application number, case history, action of board, and amount of award. Arr. num. by application nos. For index, see entry 322. Hdw. 150 pp. 9 x 15 x 1½. Pub. welf. off.

PAROLES

336. [PAROLE REGISTER], 1936-. 1 vol.

Record of parolees from penal institutions, showing date of parole, name, age, sex, occupation and criminal record of parolee, and name of sponsor. Arr. alph. by names of parolees. No index. Hdw. 50 pp. 6 x 9 x ½. Pub. welf. off.

RECEIPTS AND DISBURSEMENTS

337. [RECEIPTS AND DISBURSEMENTS], 1937-. 1 vol.

Record of appropriations, receipts and disbursements, showing appropriation, receipt, warrant and quietus numbers, name of fund or account, and dates and amounts of appropriation, receipt and disbursement. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 150 pp. 11 x 15 x 1. Pub. welf. off.

338. [RECEIPTS FOR REPAYMENT OF PUBLIC ASSISTANCE], 1936-. 1 vol.

Copies of receipts issued by county director of public welfare for repayment of public assistance, showing date, amount, number and purpose of receipt, and names of recipient and payer. Arr. num. by receipt nos. No index. Hdw. 100 pp. 9 x 18 x 1. Pub. welf. off.

CLAIMS

339. REGISTER OF CLAIMS FILED, APPROVED AND WARRANTS ISSUED, 1936-. 1 vol.

Register of all claims for assistance filed, allowed and paid,

showing dates, amounts and numbers of claims and warrants, appropriation and account numbers, and name of payee. Arr. chron. by dates of claims. No index. Hdw. 75 pp. 16 x 10 x 1. Pub. welf. off.

For other welfare warrants, see entries 254, 255.

340. [CLAIMS FOR REIMBURSEMENT OF BURIAL EXPENSE], 1936-. 1 vol.

Copies of claims for reimbursement of funeral expenses of welfare recipients filed with state department of public welfare, showing dates of claim and warrant, names of deceased and payee, and amounts of warrant and claim or reimbursement due county from state department of public welfare. Arr. chron. by dates of claims. No index. Hdw. 100 pp. 8½ x 11 x 1. Pub. welf. off.

341. [RECOVERY CLAIMS], 1936-. 1 vol.

Register of claims filed against estates of deceased recipients of public assistance, showing date of filing, names of recipient and trial court, docket number, value of estate, and amount of assistance granted. Arr. chron. by dates of filing. No index. Hdw. 100 pp. 8½ x 13 x 1. Pub. welf. off.

342. [CLAIMS FOR ADMINISTRATIVE SALARIES AND EXPENSES], 1936-. 1 vol.

Record of claims filed by welfare employees for administrative salaries and expenses, showing dates, amounts and numbers of claim and warrant, name of employee, nature of claim, appropriation number, and total earnings of employee. Arr. chron. by dates of claims. No index. Hdw. 150 pp. 8½ x 18 x 1. Pub. welf. off.

MAPS

343. WARRICK COUNTY, 1936. 1 map.

Communication map of Warrick County, showing date of map, names and boundary lines of townships, names and locations of cities, towns, roads, railroads, churches, schools and streams, and rural route numbers. Drawn by county surveyor. Black and white. Scale: 1" to 5 mi. 14 x 16. Pub. welf. off.

XXV. SURVEYOR

The surveyor of Warrick County is a constitutional officer, elected by the voters of the county for a two-year term,

without restriction on re-election.¹ He is commissioned by the governor,² and holds office until his successor is elected and qualified.³ The surveyor must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁴ and, while holding the office of surveyor, he must reside within the county, and must not hold any other lucrative office.⁵ He must post bond in an amount of not less than \$5,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁶ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁷

The surveyor receives a regular salary of \$875 per year.⁸ The law provides that his salary shall be one and one-half times that amount if he is a qualified engineer.⁹ For his services as highway supervisor he receives, as compensation, between \$2 and \$3 per year for each mile of highway under his supervision, the amount being fixed by the board of commissioners. When he furnishes his own conveyance, he receives five cents for each mile necessarily travelled by him while acting as county highway supervisor,¹⁰ and six cents for each mile necessarily travelled while performing his duties concerning drainage.¹¹ He is not entitled to retain, as compensation for himself, any fees collected.¹²

For sufficient legal grounds, the surveyor may be removed from office by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3301; Baldwin 5504.

² Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3. *Pursel v. State ex rel. Roney* (1887), 111 Ind. 519, 12 N. E. 1003; *Boyles v. State ex rel. Riggs* (1887), 112 Ind. 147, 13 N. E. 415.

⁴ Const., art. 6, sec. 4.

⁵ *Ibid.*, art. 2, sec. 9; art. 6, sec. 6.

⁶ Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1913; Burns 49-3302 to 49-3304; Baldwin 5505 to 5507.

⁷ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁸ Acts 1933; Burns 49-1004; Baldwin 7534.

⁹ Acts 1933; Burns 49-1010; Baldwin 7540.

¹⁰ Acts 1933; Burns 36-1101; Baldwin 8699.

¹¹ Acts 1933; Burns 27-103; Baldwin 5739.

¹² Acts 1933; Burns 49-1005; Baldwin 7535.

supreme court.¹³ If the surveyor is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁴

Any vacancy in the office of surveyor is filled through appointment by the board of commissioners. The appointee must take oath and post bond as was required of his predecessor, and holds office for the unexpired term and until his successor is elected and qualified.¹⁵

The board of commissioners may appoint, on recommendation of the surveyor, such number of deputy surveyors as may be necessary, determine whether they be full-time or part-time employees, and fix the salary of each deputy in an amount not exceeding \$200 per month. Such salaries are paid from the county treasury after an appropriation therefor is made by the county council. The surveyor may require any deputy to give bond. The deputies and assistants must take an oath of office. The deputies may perform all of the surveyor's official duties, are subject to the same regulations and penalties, and may be removed from office by the board of commissioners. The township trustees are ex officio deputy surveyors in their respective townships.¹⁶

Before the adoption of the Constitution of 1851,¹⁷ the county surveyor was a statutory officer. From the organization of the county in 1813 until 1833 he was appointed for an indefinite term by the court or board doing county business. From 1833 until 1843 he was appointed for a three-year term by the circuit court. From 1843 until 1851 he was appointed for a three-year term by the board doing county business.¹⁸

¹³ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁴ Acts 1897, 1899; Burns 49-834; Baldwin 13052.

¹⁵ Const., art. 6, sec. 9. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. State ex rel. Culbert v. Linkhauer (1895), 142 Ind. 94, 41 N. E. 325. Interview of August 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁶ Acts 1933; Burns 27-102, 36-1103; Baldwin 5738, 8701. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. 1 Rev. Stat. 1852; Burns 49-502, 49-3307; Baldwin 13109, 5513. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532. Acts 1937; Burns, 1939 suppl., 49-3330; Baldwin, 1937 suppl., 5511-1.

¹⁷ Const., art. 6, sec. 2.

¹⁸ Acts 1807, ch. 44, sec. 4. Acts 1813, ch. 23, secs. 1, 2. Acts 1815, ch. 5, sec. 16. Acts 1817-18 (general), ch. 30, sec. 1. Rev. Laws 1824, ch. 104, sec. 1. Rev. Laws 1831, ch. 102, sec. 1. Acts 1832-33, ch. 74, secs. 4, 5. Rev. Stat. 1838, ch. 103 (1), sec. 1; ch. 103 (2), secs. 4, 5. Rev. Stat. 1843, ch. 4, sec. 48; ch. 10, sec. 1.

The surveyor has charge, under the direction of the board of commissioners, of all surveying and civil engineering of the county. He has charge of the preparation of plans, specifications, and supervision of the construction of all roads bridges, ditches, drains, and levees. He also has charge of the maintenance of all ditches and drains.¹⁹ If he is not a licensed engineer or is disqualified from performing his duties by reason of ownership of lands or kinship to any person whose lands are affected, the court appoints a disinterested licensed engineer to act in the matter.²⁰

For private parties the surveyor takes acknowledgments of mortgages and deeds for the conveyance of real estate,²¹ and, upon request, makes surveys to establish lines and corners of lands.²² Surveys made by the surveyor are prima-facie evidence in favor of corners established and lines run, but an appeal to the circuit court may result in a resurvey by some other competent person.²³ The surveyor charges for his services the fees provided by statutory schedule.²⁴

Since 1933 it has been the duty of the county surveyor to supervise the maintenance of county highways, bridges, and culverts, unless the board of commissioners appoints a county highway supervisor.²⁵ The surveyor serves as county highway supervisor in Warrick County.²⁶

The surveyor is required to attend all sessions (each term lasting at least one week) of the annual road school conducted by Purdue University. His expenses for such attendance are paid from the general fund of the county.²⁷ On application of the surveyor it is the duty of the board of commissioners to provide for the location and establishment of a true and permanent meridian line at or near the county seat and upon public lands belonging to the county. After the completion

¹⁹ Acts 1933; Burns 27-101, 27-103, 27-104, 27-107 to 27-109, 27-111 to 27-116; Baldwin 5737, 5739, 5740, 5743 to 5745, 5747 to 5752. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

²⁰ Acts 1933; Burns 27-102; Baldwin 5738.

²¹ 1 Rev. Stat. 1852, Acts 1857; Burns 49-3317; Baldwin 5519.

²² Rev. Laws 1831, ch. 102, sec. 6. 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311, 49-3312; Baldwin 5509, 5510.

²³ 1 Rev. Stat. 1852; Burns 49-3313; Baldwin 5515. Acts 1901; Burns 49-3314; Baldwin 5516.

²⁴ Acts 1875 (Spec. Sess.); Burns 49-3318; Baldwin 5521.

²⁵ Acts 1933; Burns 36-1101, 36-1102, 36-1110; Baldwin 8699, 8700, 8708.

²⁶ Interview of November 15, 1939 with T. A. Dicus, chairman of the state highway commission.

²⁷ Acts 1925; Burns 49-3323; Baldwin 5520.

and location of such established meridian line, the surveyor must file with the recorder a complete description of the marked meridian line and thereafter check his instruments against the line as often as necessary.²⁸

The deputies return to the surveyor all field notes taken by them.²⁹ The surveyor is required to preserve a copy of the original field notes of the surveys of the townships in his county,³⁰ and keep a record of all surveys made by him.³¹

SURVEYS

344. SURVEYORS' RECORDS, 1850-. 4 vols. (1-4).

Record of all county surveys, showing dates of survey and recording, names of property owner and township, location and description of land surveyed, and plat of each survey made. Arr. chron. by dates of recording. Indexed alph. by names of twps. Hdw. 400 pp. 20 x 24 x 4. Surv. off.

345. SURVEYOR'S DRAINAGE RECORD, 1901-. 1 vol. (2).

Transcripts of petitions for cleaning, repairing and construction of ditches, showing cause number, dates of petition and court action, names of petitioners, commissioners and affected landowners, name and location of ditch, and action taken. Arr. alph. by names of ditches. No index. Hdw. 600 pp. 18 x 12 x 3. Surv. off.

346. GRADE BOOK OF TOWN OF NEWBURGH, INDIANA, 1916-.

1 vol.

Record of surveys in town of Newburgh, Indiana, showing date of survey, name and location of streets, street grades, and plat of survey. Arr. chron. by dates of surveys. No index. Hdw. 200 pp. 14 x 14 x 1. Surv. off.

347. FIELD BOOK, 1917-. 42 vols. (1-42).

Original notes recorded while making surveys, showing date of survey, names of survey and surveyor, location and description of land, and notes made. Arr. chron. by dates of surveys. No index. Hdw. 75 pp. 7 x 4 x 1/2. Surv. off.

348. TRANSIT BOOK, 1929-. 8 vols.

Record of calculations made on county road surveys, showing date of survey, name, location and description of road, and notes taken. Arr. chron. by dates of surveys. No index. Hdw. 75 pp. 6 x 4 x 1/2. Surv. off.

²⁸ Acts 1895; Burns 49-3327, 49-3328; Baldwin 10849, 10850.

²⁹ 1 Rev. Stat. 1852; Burns 49-3307; Baldwin 5513.

³⁰ Rev. Laws 1831, ch. 102, sec. 5. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

³¹ 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

349. LEVEL BOOKS, 1930-. 12 vols. (1-12).

Levelling notes made by engineers in making grade surveys, showing date of survey, name, location and description of project surveyed, and notes taken. Arr. alph. by names of projects. No index. Hdw. 75 pp. 6 x 4 x ½. Surv. off.

350. NOTE BOOK STUBS, 1933-. 1 f. b.

Stubs of notices of completion of ditch repairs, showing date and number of notice, dates of completion, acceptance and filing, and name and location of ditch. Arr. ehron. by dates of filing. No index. Hdw. 10 x 4 x 14. Surv. off.

351. PLAT BOOK, 1902-. 2 vols.

Record of surveys and plats of drainage systems of townships in Warrick County, showing date of survey, names of ditch and township, location and description of lands affected, and plat of drainage system. Arr. alph. by names of twps. No index. Hdw. 75 pp. 16 x 14 x ½. Surv. off.

352. TOWN PLATS, 1853-1907. 1 vol.

Plats of towns and villages, showing date of plat, names of town, village, subdivisions, and property owners, and location and description of property. Arr. chron. by dates of plats. No index. Hdw. 150 pp. 20 x 14 x 2. Surv. off.

MAPS

353. WARRICK COUNTY, INDIANA, 1922. 1 map.

Political and communication map of Warrick County, showing date of map, names and locations of incorporated towns, township and precinct boundary lines, section and range lines and numbers, and location of roads, bridges and culverts, railroads, traction lines, parks and public buildings. Drawn by Ansley and Samples. Published at Boonville. Black and white. Scale: 2" to 1 mi. Surv. off.

354. LOCATION OF WATER-MAINS AND GATE-VALVES OF NEWBURGH, INDIANA, 1931. 1 map.

Map of water mains and gate valves in Newburg, Indiana, showing date of map, and number and location of water mains and gate valves. Drawn by B. C. Samples. Blueprint. Scale: 1" to 20'. 41 x 36. Surv. off.

355. WATER DISTRIBUTION SYSTEM OF BOONVILLE, INDIANA, 1938. 1 map.

Map of water system of Boonville, Indiana, showing date of map, and location and description of system. Drawn by B. C. Samples. Published at Boonville. Blueprint. Scale: 1" to 200'. 36 x 42. Surv. off.

XXVI. COUNTY HIGHWAY SUPERVISOR

The highway supervisor of Warrick County is a statutory officer, appointed by the board of commissioners under the authority of an act of 1933, and serves at the will of the board.¹ At present the county surveyor is serving as highway supervisor.² The board of commissioners authorizes the employment of teams, trucks, and men necessary to assist in the repair work of roads (under the supervision of the county highway supervisor), and determines the rate of wages and hire therefor.³

Before 1879 the court or board doing county business had general supervision of the construction and repair of county highways, with the aid of district road supervisors (appointed by the court or board), the township trustees, and township supervisors of roads.⁴ From 1879 to 1913 the board of commissioners constituted, ex officio, a board of turnpike directors for that purpose. The board divided the county into three districts and each director had personal supervision of one of such districts.⁵ In 1913 this board was abolished and the office of county highway superintendent was created. The superintendent was appointed biennially by the board of commissioners and placed in charge of the maintenance and repair of all highways, bridges, and culverts in the county.⁶ In 1933 this office was abolished⁷ and the office of county highway supervisor was created.⁸

The county highway supervisor has general charge of the maintenance of county roads, bridges, and culverts;⁹ divides the county into road districts; maps all existing roads, giving each road a separate name or number and setting forth

¹ Acts 1933; Burns 36-1110; Baldwin 8708.

² Interview of November 15, 1939 with T. A. Dicus, chairman of the state highway commission.

For the compensation of the highway supervisor, see the essay entitled "Surveyor."

³ Acts 1933; Burns 36-1107; Baldwin 8705.

⁴ Acts 1807, ch. 44. Acts 1808, ch. 2. Acts 1811, ch. 29. Acts 1813, ch. 21. Acts 1813-14, ch. 30. Acts 1815, ch. 5. Acts 1816 (general), ch. 8. Acts 1817-18 (general), ch. 43. Acts 1818-19 (general), ch. 11. Rev. Laws 1824, ch. 87. Rev. Laws 1831, ch. 20, sec. 22; ch. 82. Rev. Stat. 1838, ch. 91. Rev. Stat. 1843, ch. 4, secs. 26, 160; ch. 16. 1 Rev. Stat. 1852, ch. 48.

⁵ Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

⁶ Acts 1913, ch. 330, secs. 1, 2.

⁷ Acts 1933; Burns 36-1113.

⁸ Acts 1933; Burns 36-1110; Baldwin 8708.

⁹ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

the length and character of each road and the kind and volume of traffic;¹⁰ fixes limits of loads for roads, bridges, and culverts;¹¹ establishes standards for maintenance according to topography, nature, volume of traffic, and the availability of repair materials; annually makes a budget estimate of the cost of maintenance during the next calendar year;¹² and attends meetings of the board of commissioners¹³ and sessions of the annual road school at Purdue University.¹⁴

The records of the county highway supervisor are maps of the highway system made by him,¹⁵ reports of work in progress,¹⁶ monthly reports to the board of commissioners of all work done, and an annual report of his work, with a complete statement of all expenditures under his supervision.¹⁷

356. HIGHWAY SUPERINTENDENT[']s] LEDGER OF EXPENDITURES, 1882-. 12 vols. (2 vols. not numbered, 1, 2, 4, 1-7). Title varies: 1882-83, Road Record, 1 vol.; 1884-1913, Highway Record, 4 vols.

Ledger of expenditures for construction and maintenance of highways, showing date, amount, number and purpose of warrant, name of payee, and total amount of warrants for month. Arr. chron. by dates of warrants. No index. Hdw. 350 pp. 18 x 18 x 3½. 8 vols., 1882-1923, bsmt. stor. rm.; 4 vols., 1924-, aud. off.

357. ROAD REPORTS, TOWNSHIP, 1915-. 1 f. d.

Reports of viewers and engineers relating to repair and maintenance of township roads, showing dates of report and filing, names of township and road, and estimated amount of costs of repairs or maintenance. Arr. chron. by dates of filing. No index. Typed. 2 x 9 x 15. Surv. off.

358. BRIDGES, 1921-. 1 f. b.

Estimates and specifications for construction of bridges, showing dates of estimate and filing, name and location of bridge, estimates of material, labor and cost, and details of specifications. Arr. chron. by dates of filing. No index. Typed. 10 x 4 x 14. Surv. off.

¹⁰ Acts 1933; Burns 36-1109; Baldwin 8707.

¹¹ Acts 1933; Burns 36-1102, 36-1100; Baldwin 8700, 8708.

¹² Acts 1933; Burns 36-1102; Baldwin 8701.

¹³ Acts 1933; Burns 36-1104; Baldwin 8702.

¹⁴ Acts 1933; Burns 36-1110; Baldwin 8703.

¹⁵ Acts 1933; Burns 36-1109; Baldwin 8707.

¹⁶ Acts 1933; Burns 36-1106; Baldwin 8704.

¹⁷ Acts 1933; Burns 36-1104; Baldwin 8702.

359. COUNTY UNIT ROAD SPECIFICATIONS, 1922-. 1 f. d.
Specifications used in construction of roads, showing date and details of specifications, and number and name of project. Arr. num. by project nos. No index. Typed. 2 x 9 x 15. Surv. off.

360. CONTRACTOR'S ESTIMATE ON COMPLETED ROADS, 1923-.
1 f. b.
County engineers' statements of amounts paid and due contractors for construction of roads, showing date of statement, names of road, engineer and contractor, location of road, and amounts paid and balance due on contract. Arr. chron. by dates of statements. No index. Typed. 10 x 4 x 14. Surv. off.

361. SPECIFICATIONS TO STATE, 1925-. 1 f. d.
Specifications of powdered asphalt, concrete and lineolite road surfacing used in road construction in Warrick County, showing dates of specification and filing, details of specifications, and location of project. Arr. chron. by dates of filing. No index. Typed. 2 x 9 x 15. Surv. off.

362. [PLANS AND BLUEPRINTS], 1925-. 1 file cabinet.
Plans and blueprints for construction and repairs of roads, bridges, levees and drains, showing date of plan or blueprint, name and location of project, and description of construction or repairs. No orderly arr. No index. 36 x 30 x 48. Surv. off.

363. CONCRETE SPECIFICATIONS REFERENCE, 1926-. 1 f. d.
Concrete specifications used in construction of footings, columns, beams, girders, piers, abutments and other bridge sections, showing dates of specification and filing, name of project, and details of specifications. Arr. chron. by dates of filing. No index. Typed. 2 x 9 x 15. Surv. off.

364. REFERENCES, SPECIFICATIONS OF STEEL ETC., 1930-. 1 f. b.
Specifications for construction of roads, culverts, bridges and streets, showing date of specification, name, location, description and number of project, and detailed specifications for construction and completion. Arr. num. by project nos. No index. Hdw. 12 x 9 x 15. Surv. off.

365. GAP ROAD DATA, 1933-. 1 f. d.
Reports on grading of roads, showing dates of report and filing, names of engineer and project, quantity and cost of materials, and amount expended for labor. Arr. chron. by dates of filing. No index. Hdw. 2 x 9 x 15. Surv. off.

366. COUNTY HIGHWAY INVOICES, 1935-. 1 f. d.
Delivery tickets for materials furnished highway department, showing date of ticket, name of vendor, description and quantity

of material, and unit price. Arr. chron. by dates of tickets. No index. Hdw. 4 x 12 x 22. Surv. off.

367. RECORD OF ROADS DRAGGED AND GRADED, 1939-. 1 vol. Record of dragging and grading of highways, showing date of service, names of road and truck driver, time employed, number of gallons of gas consumed, amount of material used, and total costs. Arr. chron. by dates of service. No index. Hdw. 13 x 9 x 1. County garage, high. sup. off.

368. GAS AND OIL CONSUMPTION RECORD, 1939-. 1 vol. Record of gas and oil consumed by trucks and tractors for maintenance of highways, showing date of delivery, name of vendor, and amounts purchased and consumed per month. Arr. chron. by dates of delivery. No index. Hdw. 13 x 9 x 1. County garage, high. supt. off.

369. RECORD OF GRAVEL PURCHASED, 1939-. 1 f. b. Delivery tickets for gravel furnished highway department, showing date of delivery, names of vendor and truck driver, and amount purchased. No orderly arr. No index. Hdw. 12 x 12 x 12. County garage, high. sup. off.

XXVII. MINERS' EXAMINATION BOARD

The miners' examination board of Warrick County, created by an act of 1911¹ and re-created by an act of 1923, consists of three members annually appointed by the board of commissioners. Recommendations for appointments may be made by miners and operators. Two members of the miners' examination board must be resident coal miners who have had at least five years' practical experience in mining coal, and must be engaged in that occupation in the county at the time of their appointment. The other member must be a coal operator residing in the county. The members hold office until the first Monday in January next following their appointment or until their successors have been appointed and qualified. Any vacancy in the membership of the board may be filled through appointment by the board of commissioners at any regular session of that board.²

Members of the miners' examination board receive, as compensation, \$4 per day for each day actually engaged in

¹ Acts 1911, ch. 276, sec. 1.

² Acts 1923; Burns 46-1001; Baldwin 11073.

their official duties. They are reimbursed for all legitimate and necessary expenses incurred by them in attending meetings of the board. Payment is made after a claim therefor is allowed by the board of commissioners and an appropriation therefor has been made by the county council.³

The board selects, from among its members, a president, a secretary, and a treasurer. The offices of secretary and treasurer may be held by the same person. Each member must take an oath that he will faithfully, honestly, and impartially discharge his official duties. The treasurer must post bond in the amount of \$500, approved by the board of commissioners. The oaths and bond are filed with the auditor.⁴

The miners' examination board examines publicly all applicants desiring to work as coal miners. It issues permits to those wishing to qualify as miners, and issues certificates to those who successfully pass the miner's examination. In order to work in any coal mine in Indiana, a man must obtain a certificate of competency and qualifications from the miners' examination board of some county in the state or from a similar board in another state, or, in the case of a man learning the trade, a permit to work, as helper, with a qualified miner.⁵ After completion of two years' experience under a certified miner, a permittee may apply for a certificate.⁶

The board issues certificates of efficiency to qualified and experienced miners. This certificate will be awarded to an applicant who appears in person before the board, furnishes satisfactory evidence of experience in mining and sufficient knowledge of warnings in regard to dangerous gases and explosives, and intelligently answers at least 15 questions in regard to gases, combustibles, explosives, preparation of shots, and timbering.⁷

The board meets on the first Wednesday in each month, and may continue in session for three days.⁸ Each applicant for a certificate or permit must pay the board a fee of \$1, which is paid over to the county treasurer within 30 days.

³ Acts 1923; Burns 46-1002; Baldwin 11073.

⁴ Acts 1923; Burns 46-1001; Baldwin 11073.

⁵ Acts 1923; Burns 46-1006; Baldwin 11073. Acts 1923, 1937; Burns, 1939 suppl., 46-1013; Baldwin, 1937 suppl., 11074. Acts 1923; Burns 46-1003, 46-1006, 46-1010; Baldwin 11073.

⁶ Acts 1923; Burns 46-1010; Baldwin 11073.

⁷ Acts 1923; Burns 46-1006, 46-1007; Baldwin 11073.

⁸ Acts 1923; Burns 46-1006; Baldwin 11073. "Report of The Bureau of Mines and Mining . . .", *Year Book of the State of Indiana for the Year 1938* (1939), 791.

In case of refusal of a certificate or permit, the applicant may obtain from the secretary, without charge, a copy of his examination questions with his answers thereto and may appeal to the circuit court.⁹

The board keeps a permanent record of registration of all applicants,¹⁰ and accurate records, in permanent form, of all proceedings of all sessions held by them.¹¹ The board reports to the board of commissioners on the first Wednesday of January each year the names of applicants, the amount of money received and disbursed, and the names of persons awarded or refused certificates or permits.¹²

370. APPLICATION FOR CERTIFICATES OF COMPETENCY AS MINERS,
1911-. 2 vols. (1, 2).

Record of applications for certificates of competency as miners, showing date of application, name, age, race and nationality of applicant, previous employment record, and names of previous employers. Arr. chron. by dates of applications. Indexed alph. by names of applicants. Hdw. 265 pp. 16 x 10 x 2. Assr. off.

371. APPLICATIONS FOR PERMIT TO WORK WITH QUALIFIED MINER,
1911-. 3 vols. (1-3).

Record of applications for permits to work with a qualified miner, showing date of application, name, age, color and nationality of applicant, and statement of previous mining experience. Arr. chron. by dates of applications. Indexed alph. by names of applicants. Hdw. 170 pp. 18 x 11 x 1. Assr. off.

XXVIII. COUNTY AGRICULTURAL AGENT

The agricultural agent of Warrick County is a statutory officer appointed for a one-year term by the director of agricultural extension service of Purdue University, with the approval of the county agricultural agent board (a state board), under the authority of acts of 1913, 1923, 1927, and 1937. This board prescribes his qualifications and may remove him

⁹ Acts 1923; Burns 46-1005; Baldwin 11073.

¹⁰ Acts 1923; Burns 46-1004; Baldwin 11073.

¹¹ Acts 1923; Burns 46-1006; Baldwin 11073.

¹² Acts 1923; Burns 46-1005; Baldwin 11073.

from office. Any vacancy in office is filled in the manner provided for making the original appointment. The county council is required to appropriate \$1,000 annually for the expenses of his office, and the state pays through Purdue University the sum of \$1,800 per year for his salary.¹

An act of 1829 provided for the establishment of county agricultural societies but no funds were appropriated.² An amendment of this act in 1835 encouraged the county to provide funds for the development of agriculture.³ These early societies were short lived but were revived by an act of 1852 which provided for annual premiums being offered by the county for the various phases of agricultural improvement.⁴ By 1888 every county in the state had its agricultural society.⁵

The office of agricultural agent was established in Warrick County in 1915 under authority of an act of 1913, providing for its establishment on petition of 20 county residents and deposit of \$500, and was thus continued until the act of 1937 made the office mandatory. Before 1937 the agent was appointed annually by Purdue University, subject to the approval of the state and county boards of education.⁶

The agricultural agent, under the supervision of Purdue University, co-operates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work, and other movements for the advancement of agricultural and country life; gives advice to farmers on practical farm problems; and aids the superintendents of schools and the teachers of the county in giving practical education in agriculture and domestic science.⁷

Warrick County has a home demonstration agent to develop extension programs for the improvement and advancement of agriculture, home economics, and rural life, in harmony with federal and state laws and in close co-operation with the work of the county agricultural agent. The agricultural extension

¹ Acts 1929, ch. 47, sec. 2, p. 275. Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457. *Opinions of the Attorney General of Indiana, 1937*, p. 144. Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

² Acts 1828-29, ch. 4, secs. 1, 7.

³ Acts 1834-35 (general), ch. 70, sec. 1.

⁴ 1 Rev. Stat. 1852, ch. 2.

⁵ William Carroll Latta, *Outline History of Indiana Agriculture* (1938). 271-274.

⁶ Acts 1913, ch. 24, sec. 12. *Fourth Annual Report, Purdue University, Department of Agricultural Extension, 1915*, p. 38.

⁷ Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

division of Purdue University selects the home demonstration agent and supervises her work. She must be unmarried, a graduate of a recognized school of home economics, and have some practical experience in teaching. Her salary is paid by Purdue University from federal land grant college funds. Her office expenses are paid from funds appropriated by the county council. Her term of office is indefinite. She directs all home-economic extension work, both adult and junior, including boys' and girls' 4-H clubs, and co-operates with the county schools.⁸

The records of the agricultural agent and home demonstration agent consists of reports to Purdue University concerning their activities, compiled under the direction of the university.⁹

372. ANNUAL NARRATIVE REPORT, 1917-. 1 f. d.

Copies of annual narrative reports of all activities of agricultural agent to Purdue University agricultural extension service, showing date of report, names of agent and county, number of farm visits, nature and number of project, activities on grain, fruit and vegetable growing, cattle, sheep, swine and horse raising, farm management, and marketing of crops. Arr. chron. by dates of reports. No index. Typed. 6 x 8 x 16. Agr. agt. off.

373. ANNUAL NARRATIVE REPORT OF HOME DEMONSTRATION AGENT, 1925-. 1 f. d.

Annual reports to Purdue University of home demonstration agent's activities, showing date of report, names of agent and county, data relative to project activities, farm visits and meetings, and mileage record. Arr. chron. by dates of reports. No index. Typed. 12 x 12 x 18. Agr. agt. off.

374. PROJECT AND INFORMATION FILES, 1932-. 1 f. d.

Statements describing projects supervised by county agents, showing dates of statement and filing, names of project and sponsor, and leaflet on project activities. Arr. chron. by dates of filing. No index. Hdw. 12 x 14 x 24. Agr. agt. off.

375. PERMANENT RECORD OF 4-H CLUB MEMBERS, 1938-. 1 f. d.

Membership cards of 4-H Clubs, showing date of membership, name and age of member, nature of project, description of

⁸ Acts of Congress 1914; U. S. C., title 7, secs. 341 to 343, 344 to 348. Acts 1931; Burns 28-5627; Baldwin 6475. Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

⁹ Interview of December 1, 1939 with Floyd I. McMurray, state superintendent of public instruction.

award, and school history of member. Arr. alph. by names of members. No index. Hdw. 6 x 8 x 16. Agr. agt. off.

376. DARK AIR CURED TOBACCO CARDS FOR CROPS, 1932-
1 f. d.

Dark air-cured tobacco crop cards listing producers accepting allotment agreements, showing dates of contract and payment, names of producer, trustee, comptroller and committee members, data for calculating payment, and contract number. Arr. num. by contract nos. No index. Hdw. 12 x 14 x 24. Agr. agt. off.

377. DARK AIR CURED TYPES TOBACCO PRODUCTION ADJUSTMENT,
1932-. 1 f. d.

Statements of adjustments of dark air-cured tobacco production, showing number of contract, dates of contract and producer's agreement to correction, and statement of performance by producer. Arr. num. by contract nos. No index. Hdw. 12 x 14 x 24. Agr. agt. off.

378. CONTRACTING PRODUCERS' RECEIPTS FOR ALLOTMENT CARDS,
1932-. 1 f. d.

Receipts for allotment cards and contracts of trust agreements, showing dates of receipt and contract, name of producer, and number, amount and conditions of contract. Arr. num. by contract nos. No index. Hdw. 12 x 14 x 24. Agr. agt. off.

379. FIRST CERTIFICATION OF COMPLIANCE TO DARK AIR CURED
TOBACCO AGREEMENTS, 1932-. 1 f. d.

Original certifications of compliance to agreements in production of dark air-cured tobacco crops, showing date and number of certificate, names of producer and committee members, and statement of certification. Arr. num. by certificate nos. No index. Hdw. 12 x 14 x 24. Agr. agt. off.

380. SUPERVISORS' REPORTS OF COMPLIANCES, 1932-. 1 f. d.

Reports of supervisors concerning compliance to contracts, showing dates of report and contract, contract number, names of producer and supervisor, amount of tobacco per acre, and statement of certification. Arr. num. by contract nos. No index. 12 x 14 x 24. Agr. agt. off.

MAPS

381. WARRICK COUNTY, 1930. 1 map.

Political and communication map of county, showing date of map, names and boundaries of townships, towns, villages and settlements, and rivers, creeks and main roads. Drawn by B. C. Samples. Published at Boonville. Black and white. Scale: 1 2/3" to 1 mi. 40 x 41. Agr. agt. off.

XXIX. COMMISSION OF PUBLIC RECORDS

The commission of public records of Warrick County, created under an act of 1939, consists of the judge and clerk of the circuit court, the president of the board of commissioners, and the county auditor. The commission elects one of its members as chairman. The clerk of the circuit court is secretary.¹

The members of the commission serve without compensation and receive no reimbursement for any expenses.²

An act of 1877 required the board of commissioners to order copies to be made of any public records in the county when necessary for their preservation.³ An act of 1925 provided that any public official, at his discretion, may turn over to the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books or materials, not in current use in his office.⁴ An act of 1937 amended that of 1925 by a provision that the director of the state library, at his discretion, may make a copy of any official book, record, document, original paper, newspaper, or printed book or material in any public office, for preservation in the state archives.⁵ An act of 1935 created within the executive department of the state a commission on public records, consisting of the governor, the secretary of state, the state examiner, the director of the state library, and the director of the historical bureau. This act is almost identical with that of 1939 creating a commission of public records in each county, except for the provisions relative to ex officio members of the commission.⁶ These laws reflect the attitude of the general assembly toward the preservation of public records.

It is the duty of the commission to classify public records on the following basis: Those (a) of neither official nor historical value; (b) of current official value, to be retained in the office to which they belong; (c) of official

¹ Acts 1939, ch. 91, sec. 1. For laws concerning eligibility, oath, and removal of these officers, see the essays on circuit court, board of commissioners, auditor, and clerk of the circuit court.

² Acts 1939, ch. 91, sec. 1.

³ Acts 1877; Burns 26-634; Baldwin 5239.

⁴ Acts 1925; Burns 63-830; Baldwin 10287.

⁵ Acts 1925, 1937; Burns, 1939 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁶ Acts 1935; Burns, 1939 suppl., 63-1901 to 63-1910; Baldwin, 1935 suppl., 15400-1 to 15400-10.

value, but rarely consulted and of no appreciable value to the officer with whom they are filed; (d) of purely historical value.⁷

Records of class (a), occupying space to no purpose in offices and store rooms, must be destroyed or otherwise disposed of three years after they were originally filed, unless a law requires that they be saved beyond that period or altogether prohibits their destruction.⁸

Records of classes (c) and (d) must be transferred to the state library three years after the date of the filing, unless they are then in frequent use by the officer in charge. In event of such transfer, the records of class (c) will be added to the archives of the library, while those of class (d) will constitute a part of the collections of that institution.⁹

When any public records are ordered destroyed or transferred, the commission must enter an order to that effect on its minutes. The order must be dated and must contain a general description of the public records to be destroyed or transferred.¹⁰

It is unlawful for any public official or person to destroy any public record unless the commission has previously given its approval in writing and entered such approval on the minutes of the commission.¹¹

Within the meaning of the act of 1939, a public record is any written or printed book, paper, document, map, or drawing which is the property of any county, and in or on which any entry has been made or is required by law to be made, or which any officer or employee of the state has received or is required to receive for filing.¹²

⁷ Acts 1939, ch. 91, sec. 2.

⁸ *Ibid.*, secs. 3, 4.

⁹ *Ibid.*, secs. 4-6.

¹⁰ *Ibid.*, sec. 7.

¹¹ *Ibid.*, sec. 8.

¹² *Ibid.*, sec. 9.

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